ROCHESTER CITY SCHOOL DISTRICT
CODE OF CONDUCT
Policy 1400

ACKNOWLEDGMENT

This Code of Conduct is the product of a collaborative effort by parents, students, teachers, District staff, and community members seeking to make classrooms and schools in the Rochester City School District safe, supportive, and joyful environments for teaching and learning.

This Code is intended to be a living document. We have begun with an initial goal of minimizing the push-out of students through suspensions and arrests, which are shown to contribute to what has been termed the "school-to-prison pipeline." Multiple layers contribute to a student's success and well-being, including engaging families as partners and assuring that District staff and school-level staff have the supports and resources they need to implement the new Code. The focus of all of our collaborative efforts, including this Code and beyond, is a vibrant and supportive school climate across the District.

We will learn as we put this Code into action. We will push toward the aspirations within it, even as we strive to assure the supports needed are in place. We will make changes and develop sections that need further work based upon our learning, and we will assess our progress ongoing in order to achieve the goals of keeping students safe, in school, and flourishing.

The climate of a school—the degree to which people feel safe and valued, experience communication as open, honest and caring, and feel a sense of ownership and also responsibility for one another's well-being—has a profound effect on people's ability to take creative risks, learn, grow and nurture others.

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SCHOOL CULTURE AND CLIMATE

School culture and climate affect everyone in a school community. By creating supportive and welcoming communities, we ground the lives of every community member in the values we all care about, a quality education for all students and a supportive and positive school environment for students, parents, teachers, support staff and administrators. Such grounding for all creates a profound impact upon students, both in their academic progress and their relationships with peers and adults. It deeply enhances the quality of life and the work environment for all staff in the school building. It makes a school welcoming to families and our wider community. For schooling to be successful, each school must establish and maintain a positive school culture that supports all its members—students, families, and staff—as they work together to grow, both socially and academically.

Building positive school culture entails a great deal of active work by all members of a school community. Members must come together to determine the values by which they wish to live, ensuring in doing so that the voices of all are heard. They must explore with each other types of behaviors that they believe will support their shared values, as well as behaviors that they believe will undermine them. They must have--and take advantage of--frequent opportunities to reflect on behaviors they actually participate in or observe, and to consider how to use more supportive behaviors. They must engage in frequent dialogue with other community members regarding issues of community behavior, climate, and culture. Such matters need to be a major part of study and curriculum at the school, making social, moral and ethical growth a key component of education.

TO WHOM, WHEN AND WHERE THIS CODE APPLIES

Unless otherwise indicated, this Code applies to all students, District staff, parents, visitors and other persons on school property or attending any school function, and applies to behavior:

1. In school during school hours;
2. Before and after school, while on school property;
3. While traveling in vehicles funded by RCSD;
4. At all school-sponsored events; and
5. Off school grounds or outside regular school hours that has the potential to result in a disruption to the educational process or endanger the health, safety or welfare of those in the school community.

PROMOTING POSITIVE STUDENT BEHAVIOR

The primary goal of student discipline is to engage and re-engage students in their educational work. Student discipline should encourage students to reflect on behavior that enables them to structure behavior productively and to support moral and ethical growth. Discipline should be governed by a desire for, and commitment to, a strong educational community based on deep and caring relationships and engagement in high-quality work.

Student Engagement

Student engagement is integral to creating a positive school culture and climate that fosters students' social/emotional growth and academic achievement. Providing students with multiple opportunities to participate in a wide range of pro-social activities, to take agency and leadership in setting the tone for their school, and to bond with caring, supportive adults can help prevent negative behaviors and create vibrant learning opportunities for all.

Examples can include:

1. providing students with meaningful opportunities to share ideas and concerns and to take an active role in school-wide initiatives and decision-making;
2. student leadership development that engages a wide variety of students with different interests,

personalities and cultural backgrounds (i.e., not just academically excelling, civically engaged or so-called "popular" students) who put their creativity, talents, and peer influence into action to help set the tone of a vibrant school climate;

3. regular recognition of students' achievements in a range of academic and co-curricular areas;
4. practice sharing constructive feedback;
5. school-wide systems that promote hope, aspirations, and positive, pro-social behavior.

Such opportunities, coupled with a comprehensive guidance program of prevention and intervention, provide students with the experiences, strategies, skills, and supports they need to thrive.

GUIDING PRINCIPLES

Right to High-Quality Education

All students have a right to a high-quality education. As such, school disciplinary measures should be used to help them engage in and realize that right, not to exclude students from school or otherwise deprive them of such an education. The District will reserve suspensions solely for those cases in which graduated disciplinary efforts have been employed without success, or circumstances in which the safety of students or staff or the continuance of the educational process is at risk.

General Principles

School discipline policies shall be aimed at creating a positive school climate, supporting the social and emotional development of students, and teaching non-violence and respect for all members of the school community. By viewing social development as a critical aspect of discipline, RCSD schools shall anticipate and respond to school disciplinary matters in a manner that is consistent with students' sense of dignity and self-worth.

The purpose of discipline must be to understand and address the causes of behavior, resolve conflicts, repair the harm done, restore relationships and reintegrate students into the school community. In addition, particular attention and intervention support shall be provided to vulnerable families and youth at risk of being pushed out. School staff must be supported both to develop these skills and to practice them in conjunction with students, families and their own colleagues. In order for this effort to be successful, students and their families must be valued and empowered to work together with District staff in all matters, not just those pertaining to the Code of Conduct, in order to achieve these goals.

RCSD schools shall abide by the following general principles for the implementation of school discipline:

PRINCIPLE #1 – CREATING A POSITIVE SCHOOL ENVIRONMENT	
1.1: POSITIVE RELATIONSHIPS	School safety and academic success are formed and strengthened when all school staff build positive relationships with students and are actively engaged in their lives and learning.
1.2: FAIRNESS AND CONSISTENCY	School staff will promote high standards of behavior by teaching, modeling, and monitoring behavior, and by fairly and consistently promoting positive behavior.
1.3: ENGAGING INSTRUCTION AND EFFECTIVE CLASSROOM MANAGEMENT	Effective and engaging instruction and classroom management are the foundation of effective discipline.
1.4: STUDENT SUPPORTS	Schools must utilize guidance interventions and other appropriate support services to provide effective discipline and guidance to students, including and especially those returning from exclusionary discipline, to maximize their ability to meet social and academic standards within the school community.
1.5: NON-DISCRIMINATION	School discipline must be implemented without discrimination based on ethnicity, race, color, religion, religious practice, creed, national origin, citizenship status, ancestry, sex, gender, gender identity or expression, sexual orientation, age, weight/appearance, predisposing genetic characteristics, or disability. See the *District Policy Prohibiting Discrimination or Harassment of Students or Employees* (0100) for further information.
1.6: SCHOOL-LEVEL POLICY	School-level rules and codes of conduct must be consistent with this Policy, approved by the Superintendent or designee and distributed to students and parents in a manner consistent with this Policy. Schools are also expected to develop plans for improving school climate.
1.7: SHARED ACCOUNTABILITY	All school community members should hold themselves, and each other accountable, both to their community and to their shared vision for their community. Members are encouraged to reflect frequently on how their behaviors either support the shared values of the community or fail to do so, and to consider behaviors that would be more supportive of the community's values.
1.8: TRAINING	All District staff shall receive ongoing professional development training on this policy, classroom/school management, conflict resolution, non-punitive and restorative approaches to discipline, mental health (i.e., mental health first aid), special education, and anti-racism that aligns with their roles. This training will be provided on a regular basis annually to employees and at time of hire for newly hired employees.
1.9: STUDENT RESPONSIBILITIES	All students have the responsibility to work to the best of their abilities, attend school daily unless they are legally excused, contribute to maintaining a safe and supportive school environment, treat peers and school staff in a respectful manner, accept responsibility for their actions, hold themselves to the highest standards of conduct and demeanor, and promote a climate of mutual respect and dignity toward all in the school community.

PRINCIPLE #2 – FAIR DISCIPLINE	
2.1: PREVENTION AND INTERVENTION	School discipline is best accomplished by preventing misbehavior before it occurs, and using effective interventions after it occurs.
2.2: DISCIPLINE WITH GUIDANCE	School discipline that is paired with meaningful instruction and guidance offers students an opportunity to learn from their mistakes and contribute to the school community, and is more likely to result in getting the student re-engaged in learning.
2.3: MAXIMIZE LEARNING AND MINIMIZE REMOVAL	Effective school discipline maximizes the amount of time students spend learning and minimizes the amount of time students are removed from their classrooms while protecting the safety of the school community and the educational process.
2.4: EXCLUSIONARY DISCIPLINE AS A LAST RESORT	Use of In-School Suspensions, Out-of-School Suspensions, Expulsion, and Referrals to Alternative Schools will be minimized and used on a graduated basis wherever possible. The priority shall be to keep students in class whenever school safety and continuance of the educational process allow.
2.5: SUPPORTIVE ROLE OF SCHOOL SAFETY STAFF	District staff will maintain responsibility for all issues considered to be school disciplinary matters. In accordance with the District's School Safety Plan, the District employs security staff to assist the schools in dealing with all matters of security and safety issues. The primary role of our security staff is to safeguard the District's students, staff and visitors from harm; to deter, detect, respond to, and report infractions of the District Code of Conduct and New York State Law; and to protect the District's assets from theft and damage. Security staff employed by the District are authorized to carry out this role consistent with the Policies and Regulations of the District, applicable New York State Law and District training. Whenever law enforcement responds to any school district property for, the school principal or other supervising District staff shall actively maintain responsibility for the environment and provide direction to staff, students and others who are present, except when there is an immediate danger necessitating law enforcement's temporary control. Law enforcement involvement must align with Appendix E of this policy.
2.6: ADDRESS RACIAL DISPARITIES IN SCHOOL DISCIPLINE	The District must address and respond to racial inequities, institutional racism and other forms of discrimination or bias that are identified in school discipline. To do so, a process must be provided whereby members throughout the school community can engage with issues honestly with the goal of healing and strengthening relationships and of uniting resolve to change how we do things and rectify the damage done by institutional racism and implicit bias.
2.7: DUE PROCESS	Effective discipline can only be implemented with profound respect for the due process rights of students and parents, consistent with New York State Education Law § 3214 and the U.S. Constitution, including, but not limited to, the right to notice of the penalty to be imposed and a meaningful opportunity to present a student's version of the facts and circumstances that led up to the event.

PRINCIPLE #3 – COLLABORATION WITH COMMUNITY	
3.1: DISTRIBUTION OF POLICY	Students, parents, teachers and other school staff must be well-informed of school discipline policies. The District shall distribute a summary of this Policy to all students and their parents and post the Policy on the District website and in an accessible place within each school.
3.2: FAMILY ENGAGEMENT	Schools exist to support families in the education of their children and all staff should embrace reciprocity and meaningful engagement. School staff will keep parents informed of their children's behavior—both positive and negative, enlist them as partners in addressing areas of concern, and always inform them directly when exclusionary discipline is called for.
3.3: COLLABORATION AND SHARING OF RESOURCES	Schools should collaborate with union, community and agency partners in order that school staff are made aware of resources and supports that will aid in their personal development and maximize their abilities to meet the academic and social needs of students in the Rochester community.

FAMILIES AS PARTNERS

Students, parents and school staff all have a role in making schools safe and must cooperate with one another to achieve this goal. Routine outreach to parents can include, but is not limited to, a phone call, written communication and/or a meeting. As role models, parents and school staff should exhibit the behaviors that they would like to see students emulate.

To support parents in being present and active partners in promoting safe and supportive school environments, they must be familiar with the Code of Conduct. School officials are responsible for sharing the information in this document and any school-level policies developed with students, parents, and staff. Schools are encouraged to provide workshops for parents on understanding the Code and how best to work with the school to support their children's social-emotional growth. Educators are responsible for informing parents about their children's behavior and for nurturing the skills students need to succeed in school and society.

Parents are encouraged to discuss issues that may affect student behavior with their children's teacher and other school staff and strategies that might be effective in working with the student.

Attendance

Attendance at school is vital to a student's academic progress and success. School staff must ensure that appropriate outreach, intervention, and support are provided for students who exhibit attendance problems that may manifest themselves as truancy or patterns of unexcused absence or educational neglect. In cases of truancy, school staff must meet with the student and parent in order to determine needed supports and an appropriate course of action, which may include, but is not limited to: guidance intervention, referral for counseling, and/or referral to after-school programs.

Each school should review cases of chronic absenteeism, classroom removals, and/or truancy and should involve attendance teachers, administrators, school counselors, teachers, social workers, and other school staff in facilitating a resolution.

It is important that there be robust consultation and communication between the school and the home. Guidance conferences attended by the Principal or their designee, a school counselor, the student's parent(s), and one or more of the student's teachers are an effective means of encouraging parental input and should be held with students when appropriate. Parents who want to discuss interventions in response to student behavior should contact their children's school or the Parent Liaison/Homeschool Assistant, or, if necessary, the Office of Parent Engagement.

In the event a student engages in significant inappropriate behavior, the Principal or Principal's designee must report the behavior to the student's parent. If a student is believed to have committed a crime, the parent must be contacted ***before*** law enforcement is called to intervene, unless there is an imminent threat to safety.

DEVELOPMENTAL SUPPORTS FOR SCHOOL STAFF, COMMUNITY MEMBERS, PARENTS, AND STUDENTS

A transformed, intentional school climate and culture must emphasize support for all members of the school community to maintain its vitality. Specifically, school leadership and staff who hold positions throughout the building must be supported with a variety of resources and approaches that enable them to learn and to foster the changes and growth needed. In addition, students, families, and community members need these supports as well to enable them to learn and to foster the changes and growth needed. Among these, everyone involved in our schools needs to be able to count on the following:

1. **More opportunity to work in groups**, which reinforces interdependent, collaborative thinking.

2. **Professional growth opportunities** (including trainings, professional development, shadowing colleagues or in model schools, etc.) that are aimed at the purposes and goals of transformed school climate. Vital trainings include: how to implement restorative practices; examining multiple layers of internalized, interpersonal and institutional racism that contribute to racial disparities in discipline and achievement; trauma-informed responses; and others identified by educators.

3. **Community growth opportunities** that will enable families, students, and other community members to understand--and participate in--the transformation of school climate that is the central aim of this effort.

4. Even as we learn from people who are deeply, theoretically grounded in this work, growth and shifting culture must be done *WITH*, not *TO* people. Engagement comes from invitation to do *with* as **co-creators of the new path forward.**

5. **Avoid "one and done."** Opportunities and time to design and practice within the context of their group of co-creators, as well as across stakeholders, along with ongoing mentoring and peer support.

6. **Specific tools that everyone understands with common language** (i.e., restorative practices, anti-racism, trauma-informed practices, internal motivation).

7. Simultaneously, the **recognition that there are multiple approaches** to achieving our goals and encouragement to see one another as resources rather than threats, opportunities to learn from one another for expanded knowledge, skills and tools.

8. **Space with equipped support staff**, like a Student Help Zone or other area, where trained staff and/or counselors can help students work through their difficulties with the goal of getting back to the classroom as soon as possible and better able to engage with their peers and school staff.

9. A **shared conviction that moral, ethical, and social development are fundamental purposes** of education, along with recognition that current educational constructs and testing regimens are pushing out the ability to focus on building blocks of personal development.

10. **Time and incentives to support students' interests**, such as advising, coaching, and developing clubs and activities that boost connectedness and pride in their school.

11. **Regular signals that the District is investing in supports** to transform school climate with benefits for everyone. The vision for school climate must be emphasized at all levels of the District's communications, brand, resources, and supports with the frequent message that this humane and powerful approach is worth the ongoing investment of time and effort.

12. **Effort to minimize turnover at all levels** as we find ways to institutionalize this commitment.

13. **Tools for measuring the impact** of restorative and other practices that teachers, schools and families are putting into place.

RCSD commits to working in a collaborative spirit across the district to phase in these supports as we work together to fundamentally transform our schools to become more restorative, problem-solving and welcoming.

SHARED ACCOUNTABILITY

Rationale

The climate of a school—the degree to which people feel safe and valued, experience communication as open, honest and caring, and feel a sense of ownership and also responsibility for one another's well-being—has a profound effect on people's ability to take creative risks, learn, grow and nurture others.

Adults can make mistakes. In hierarchical systems such as schools, as well as in a country that struggles with inequality, racism, sexism, ableism, ageism, and heterosexism, the actions of adults and their mistakes have a profound effect on students.

Adults need to be able to model positive behavior for students and this includes taking accountability for their actions. Accountability also builds trust between students and adults. Shared accountability promotes good communication. When everyone in the school community feels nourished by good communication and the liveliness of being with students who are excited to be there:

1. quality of life and work environment is enhanced;
2. learning is improved; and
3. everyone gains more respect for one another, and thus, the ability to work together as a team for students' well-being and success.

What is meant by "shared accountability?"

A school is a hierarchical system which makes it difficult for people to be held accountable equally. Nevertheless, we should strive towards shared accountability. Shared accountability requires that both adults and children are held accountable for their actions and have the ability to hold each other accountable. We will reflect on our actions and analyze whether or not we are supporting our community.

How is shared accountability practiced?

To create shared accountability, shared values in the school community must be made clear to all the members and championed by the school Principal or their designee.

These values will be assertive toward changing the conditions that have been damaging or have been holding us back from all of us reaching our full potential as individuals, as a community, and as an institution.

Members of the school community will acknowledge and show appreciation when people go above the standard.

Members of the school community must be willing to apologize and ready to analyze their actions.
All members of the school community will be held accountable through restorative practices, whenever possible.

Adults have a place of power over the students, thus holding them accountable is more difficult. Because of this, each school must identify a person and place for students to air their concerns and have restorative meetings with adults and classmates about issues that may arise.

We aspire to share accountability within our District and school communities. We know that significant shifts must be made culturally and structurally to achieve this. Thus, we commit to practicing and stretching ourselves beyond what feels familiar and comfortable to help usher in the school climate that supports continual growth and joy in teaching and learning.

RIGHTS, RESPONSIBILITIES AND EXPECTATIONS

The District commits to creating learning communities in which all members are understood to be growing, caring, respectful people. To that end, all members have the right to expect:

1. An environment that deeply supports teaching and learning.
2. Fair and respectful treatment throughout the community, with full opportunity to be heard.
3. Non-discrimination and equal treatment with respect to all school activities.
4. Open and transparent communication and explanation of school procedures, rules, and policies.
5. Commitment throughout the school to policies aimed at growth as a learning community and at growth of each individual member of the community.
6. An environment that values and practices shared accountability.

The **Dignity for All Students Act (Dignity Act)** requires that no student is subject to discrimination or harassment, based on a person's actual or perceive race, color, weight/appearance, national origin, ethnic group, religion, religious practice, disability, sex, gender, or sexual orientation by school employees or students on school property, on a school bus, at a school function or that is initiated off school grounds and has the potential to adversely affect another student's ability to participate in or benefit from a school's education or extracurricular program[1].

Bullying/Cyberbullying, among other things, is the use, both on and off school property, of intentional, reckless and/or hostile behavior which harms another person physically or emotionally, and is characterized by an imbalance of power between students. If two students are equally engaged in an altercation, this is not a bullying situation, but instead considered a "conflict" between the two students. When an imbalance of power is present it can be seen in small ways over a long period of time or in a large way all at one time. Bullying includes verbal, physical, or written communication that is threatening or seriously intimidating. Cyberbullying includes the use of information and communication technologies (i.e., e-mail, cell phones, pagers, text messages, social media, video calls, gaming systems, instant message, personal website or blogs or a combination of these) to support deliberate, hostile behavior by an individual or group who intentionally or recklessly harm or intimidate others physically or psychologically.

School staff, parents, students or other persons who witness harassment, bullying and/ or discrimination or receive an oral or written report of such acts shall promptly notify the Principal or Dignity Act Coordinator in accordance with Board Policy 0100 and 0100R. Students and parents/guardians who witness harassment, bullying and/or discrimination are encouraged to notify the Dignity Act Coordinator, which can be identified at your school (list can be found on the District's website under DASA Reporting).

[1] In addition to DASA the Rochester City School District protects students' creed, citizenship status, ancestry, disability, predisposing genetic characteristics, gender identity or expression, or age.

Students' Rights & Responsibilities[2]

The District is committed to upholding students' rights in accordance with the following. Students are also expected to fulfill their responsibilities to fully participate in their education as outlined below.

RIGHTS	RESPONSIBILITIES
1. To attend school in the District in which one is legally enrolled, as provided by law.	1. To attend school daily, regularly and on time, perform assignments, strive to do the highest quality work possible, be prepared to learn and actively participate in their education.
2. To be heard when support is needed.	2. Communicate with appropriate school staff when help is needed.
3. To expect that school will be a safe, orderly and purposeful place for all students to gain an education and to be treated fairly. To access school policies, regulations and rules and have them explained by school staff, when necessary.	3. To be aware of all rules and expectations, and consequences regulating students' behavior and conduct themselves in accordance with these guidelines.
4. To be respected as an individual and treated courteously, fairly and respectfully by other students and school staff.	4. To respect everyone in the school community and to treat others courteously, fairly and respectfully.
5. To express one's opinion verbally, physically or in writing.	5. To express opinions and ideas in a respectful manner so as not to offend, slander, or restrict the rights and privileges of others.
6. To dress in such a way as to express one's identity and personality.	6. To dress appropriately in accordance with the dress code.
7. To be afforded equal and appropriate educational opportunities, including access to extracurricular and afterschool programs.	7. To be aware of available educational programs in order to use and develop one's capabilities to their maximum.
8. To take part in all school activities on an equal basis regardless of race, color, creed, weight/appearance, religion, religious practices, creed, sexual orientation, sex, gender, gender identity or expression, national origin, ethnic group, ancestry, citizenship status, political affiliation, age, marital status, predisposing genetic characteristics, or disability.	8. To work to the best of one's ability in all academic and extracurricular activities, as well as being fair and supportive of others.
9. To have access to relevant and objective information concerning drug and alcohol abuse, as well as access to individuals or agencies capable of providing direct assistance to students with serious personal problems.	9. To be aware of information and services and to seek assistance in dealing with personal problems, when appropriate.

[2] Cross-ref: District Policy Prohibiting Discrimination or Harassment of Students or Employees (0100); Student Harassment and Bullying Prevention and Intervention Policy (0115)
Ref: 8 NYCRR 100.2(l)(2)(ii)(o)

10. To be protected from intimidation, harassment, or discrimination based on actual or perceived race, color, creed, weight/appearance, religion, religious practices, creed, sexual orientation, sex, gender, gender identity or expression, national origin, ethnic group, ancestry, citizenship status, political affiliation, age, marital status, predisposing genetic characteristics, or disability by staff or students on school property or at a school-sponsored event, function or activity.	**10.** To respect one another and treat others fairly in accordance with the District *Code of Conduct* and the provisions of the *Dignity Act*. To conduct oneself in a manner that fosters an environment that is free from intimidation, harassment or discrimination. To report and encourage others to report any incidents of intimidation, harassment or discrimination.
11. To freedom of speech and of the press and the right to petition and peacefully organize with other students with the purpose of improving the school, classroom, and/or learning environment.	**11.** To work together with classmates and school staff to maintain a positive school climate.
12. To due process, to be considered innocent until proven guilty, and to a fair and impartial grievance process to resolve student concerns. To present one's version of events for school staff in situations in which disciplinary action is being considered.	**12.** To complete school work, abiding by school rules regarding academic honesty in accordance with the Code of Conduct.
13. To organize with other students and self-represent in important school decision-making processes.	**13.** To exercise ones rights in a safe manner in accordance with this Code of Conduct.
14. To have a guarantee of affordable and nutritious food in the school environment on a daily basis (i.e., lunch).	

Parents' Rights & Responsibilities

The District is committed to working with parents as partners in the education of their children.

RIGHTS	RESPONSIBILITIES
1. Be actively involved in their children's education.	**1.** Make sure their children attend school regularly, on time, and when children are absent, notifies school of reason for absence. Collaborate with the District to optimize their children's educational opportunities.
2. Be treated courteously, fairly and respectfully by all school staff and community members.	**2.** Be respectful and courteous to staff, other parents, guardians and students while on school premises or at school functions, or when communicating with staff regarding District business.
3. Get clear and concise information about the policies of the Rochester Board of Education and the procedures that relate to their children's education.	**3.** Read and become familiar with the policies of the Board of Education, administrative regulations and the Code of Conduct. Help their children understand these rules and expectations, so that their children can help create a safe and supportive school environment.

4. Get regular reports, written or oral, from school staff regarding their children's academic progress or behavior, including but not limited to report cards, behavior progress reports and conferences.	**4.** Tell school officials about any concerns or complaints in a respectful and timely manner.
5. Receive information and prompt notification of inappropriate or disruptive behaviors caused by or that impacts their children and any disciplinary actions taken by Principals or school staff.	**5.** Work with Principals and school staff to address any academic or behavioral problems their children may experience.
6. Receive information about due process procedures for disciplinary matters concerning their children, including information on conferences and appeals as well as results of restorative practices and other responses related to their children. .	**6.** Give updated contact information to the Rochester City School District and their children's individual schools.
7. Receive information from school staff about ways to improve their children's academic or behavioral progress, including but not limited to counseling, tutoring, after school programs, academic programs, and mental health services within the Rochester City School District and the community.	**7.** Give their children a space to complete their homework or allow participation in after-school programs that permit the completion of homework. Teach their children respect and dignity for themselves and other students, regardless of actual or perceived race, color, creed, weight/appearance, religion, religious practices, creed, sexual orientation, sex, gender, gender identity or expression, national origin, ethnic group, ancestry, citizenship status, political affiliation, age, marital status, predisposing genetic characteristics, or disability. This will strengthen the child's confidence and promote learning in accordance with the Dignity for All Students Act.
8. Receive information about services for students with disabilities and English language learners, when applicable.	**8.** Notify school of any concerns that hinder their child's education (i.e., disability, language barriers).
9. Receive communication, both orally and in writing, in their native language.	**9.** Communicate with the District and schools their communication needs (i.e., language translation).

Principals & Staff Expectations

Principals and school staff have unique obligations to students and parents in the educational setting.

1. Maintain safe and orderly schools by using prevention and intervention strategies that aligns with restorative practices, and by following the Rochester City School District *Code of Conduct*.

2. Be respectful, fair and courteous to students, parents and guardians, and other community members; serve as role models for students.

3. No adult employed by or representative of RCSD shall ever physically or verbally demean other school community members, engage in behaviors as prohibited in policy 0100, including while reading materials ~~with~~ containing demeaning, discriminatory, or offensive language out loud.

4. Attend work daily, be punctual and use well-planned, creative and engaging instructional plans every day in accordance with the Rochester City School District Staff Handbook[3].

5. Demonstrate passion for teaching, understanding of student-centered learning and concern for equitable student achievement.

6. Participate in professional development opportunities and incorporate learnings from professional development opportunities to positively impact job performance and/or student learning.

7. Be knowledgeable about the policies of the Board of Education and administrative regulations and rules, and enforce them fairly and consistently.

8. Maintain confidentiality in conformance with federal and state law.

9. Be knowledgeable about federal and state laws and regulations about the disciplinary process for students with disabilities.

10. Communicate policies, expectations and concerns, and respond to complaints or concerns from students and parents or guardians in a timely manner and in a language they understand.

11. Make sure that students are referred to the appropriate committees, departments, offices, divisions, agencies or organizations when outside support is necessary. Inform students and families of resources available in the community to meet their needs.

12. Assist students in coping with peer pressure and emerging personal, social, or emotional problems.

13. Keep parents and guardians informed of student academic progress and behavior, create meaningful opportunities for their participation, and provide regular communication in a language they understand.

14. Provide information to assist students with career planning.

15. Provide makeup work for students with lawful absences, including those students who are absent for disciplinary reasons.

16. Maintain and encourage a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, creed, weight/appearance, religion, religious practices, creed, sexual orientation, sex gender, gender identity or expression, national origin, ethnic group, ancestry, citizenship status, political affiliation, age, marital status, predisposing genetic characteristics, or disability, with an understanding of appropriate appearance, language, and behavior in a school setting, which will strengthen students' self-image and promote confidence to learn.

17. Confront issues of discrimination and harassment in any situation that threatens the emotional or physical health or safety of any students, school staff or any person who is lawfully on school property or at a school function.

18. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

19. Report incidents of discrimination and harassment that are witnessed or otherwise brought to the attention of the teacher, school counselor, student support services staff or other staff to the building

[3] https://www.rcsdk12.org/cms/lib/NY01001156/Centricity/Domain/11959/RCSD%20Staff%20Handbook%209.5.23.pdf

Field Code Changed

administrator and/or Dignity Act Coordinator (DAC) and/or the Chief of Human Capital Initiatives in a timely manner.

20. Work together with students and parents to maintain a positive school climate.

21. Principal: Meaningfully address in a timely manner any incidents of discrimination and harassment that are witnessed or otherwise brought to the Principal's attention in collaboration with the Dignity Act Coordinator (DAC) or the Chief of Human Capital Initiatives, as applicable.

22. Principal: Ensure that students and staff have the opportunity to communicate regularly with school administrators and have access to the Principal to address grievances.

Dignity Act Coordinator Expectations

Oversee and coordinate the work of building-level bullying prevention activities.

1. Be thoroughly trained to handle human relations in the areas of race, color, creed, weight/appearance, religion, religious practices, creed, sexual orientation, sex, gender, gender identity or expression, national origin, ethnic group, ancestry, citizenship status, political affiliation, age, marital status, predisposing genetic characteristics, or disability.

2. Identify curricular resources that support infusing civility and mutual respect in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources in a restorative manner.

3. Be responsible for monitoring and reporting the effectiveness of the school's bullying prevention practices.

4. Meaningfully address issues of harassment or situations that threaten the emotional or physical health and safety of any student lawfully on school property or at a school function.

5. Be accessible to students, parents and staff members.

Superintendent Expectations

Superintendents play a lead role in supporting school leaders as they strive to establish positive school climates.

Expectations include:

1. Promote a safe, positive, orderly, respectful and stimulating environment, free from intimidation, discrimination and harassment, supporting active teaching and learning.

2. Provide building level staff with appropriate administrative support.

3. Review with District administrators the policies of the Board of Education and state and federal laws relating to school operations and management.

4. Inform the School Board about educational trends, including student discipline.

5. Work to create instructional programs that reduce instances of misconduct and are sensitive to student and teacher needs.

6. Work with District administrators to educate staff and school community about the Code of Conduct,

enforce the Code of Conduct and ensure that all cases are resolved promptly and fairly.

7. Address all areas of school-related safety concerns.

8. Address personal biases that may affect equal treatment of students and staff.

9. Maintain confidentiality in accordance with federal and state law.

School Board Expectations

The School Board is obligated to ensure that the District has a Code of Conduct that effectively supports positive school climates.

1. Collaborate with students, teachers, administrator and parent organizations, school safety staff, other school staff, and the community in educating about the Code of Conduct and ensuring other Board Policies align with the Code of Conduct.

2. Adopt and review at least annually the Code of Conduct to evaluate its effectiveness and the fairness and consistency of its implementation.

3. Adopt an annual budget that supports effective implementation of the Code of Conduct.

4. Appoint one staff member in each school building who is thoroughly trained to handle human relations in the areas of race, color, creed, weight/appearance, religion, religious practices, creed, sexual orientation, sex gender, gender identity or expression, national origin, ethnic group, ancestry, citizenship status, political affiliation, age, marital status, predisposing genetic characteristics, or disability (Education Law §13[3]) as the Dignity Act Coordinator (DAC).

5. Lead by example by conducting Board meetings in a professional, respectful, courteous manner.

6. Take appropriate measures where violations of the Code of Conduct occur.

7. Maintain confidentiality in accordance with federal and state law.

8. Address personal biases that may affect equal treatment of students and staff.

PREVENTION, INTERVENTION AND PROGRESSIVE DISCIPLINE

Universal Prevention

A District-wide, whole school approach to promoting positive behavior is the foundation to building and maintaining a positive culture within each school. A universal youth development framework that is consistent; pro-active and builds on the strengths of all students; adopted district-wide and implemented within each school and classroom provides prevention supports to all students. Prevention strategies incorporated into classroom daily activities and integrated into curriculum reinforces and supports relationship-building, strengthening social and emotional skills, developing positive mindsets and self-regulation strategies and forms the foundation for a discipline framework.

Proactive strategies prioritize building positive relationships and are incorporated into classroom daily activities, and integrated into curriculum. Proactive strategies are strategies that support strengthening social and emotional skills, developing positive mindsets and self-regulation strategies and form the foundation for a discipline framework.

Progressive Discipline

Understanding discipline as a "teachable moment" is fundamental to RCSD's approach to discipline. Progressive discipline uses incremental interventions to address inappropriate behavior with the ultimate goal of teaching pro-social behavior. Progressive discipline seeks concurrent accountability, learning, and behavioral change.

Progressive discipline aims at creating positive learning opportunities around behavioral, moral, and ethical issues. By so doing, it can prevent negative behaviors by helping students learn from their mistakes. Implementing progressive discipline requires that school staff help students who have engaged in misconduct:

1. Understand the harm the behavior caused;
2. Understand why the behavior occurred and what they could have done differently in the same situation;
3. Take responsibility for their actions;
4. Use the opportunity to repair the harm, to rebuild relationships, and to learn strategies and skills to use in the future; and
5. Understand the progression of more stringent consequences if the behavior reoccurs.

This Code of Conduct outlines interventions and consequences that are appropriate to respond to student behaviors.

Restorative Approaches

Restorative practices foster healthy relationships within the school community and promote positive discipline in schools by resolving conflicts, holding individuals and groups accountable, repairing harm, promoting pro-social behavior, and addressing the needs of all parties involved. Restorative approaches can take many forms, but at their core, restorative approaches seek to find out what happened, who was harmed by the behavior, what needs to be done to make things right or repair the harm, and how people can behave differently in the future. Examples of restorative practices include but are not limited to talking to students about their actions, facilitated circles, and peer mediation. School staff and partners in the building will take a restorative approach to addressing student misconduct in accordance with their training, and will contact parents to help foster and support the outcome of restorative approaches.

Restorative approaches, though not mandatory, is best with willing participants to avoid any behavior violations as outlined in the matrix. For more detail, see Appendix B (Restorative Practices).

Guidance Interventions Contrasted with Disciplinary Responses

Responding to behaviors through early, systematic interventions when issues are first identified can prevent escalation and repetition of similar behaviors. Smaller interventions are attempted and, if unsuccessful, more intensive interventions are brought to bear. All interventions should connect to the norms, principles, expectations, and strategies that the district and school-wide prevention framework focuses on so children can reflect on their actions and link back to the universal prevention strategies being developed and taught.

Supportive and guidance interventions are preferred over punitive and exclusionary approaches, yet there will continue to be situations in which students will receive disciplinary and exclusionary consequences. The Code of Conduct uses the term "disciplinary response" to describe warnings, loss of privileges, detentions, suspensions and other disciplines, in contrast to "guidance intervention" which denotes more individualized, restorative and supportive responses to behaviors.

LEVELS OF INTERVENTIONS AND DISCIPLINARY RESPONSES

Factors to Consider in Determining Interventions and Disciplinary Responses

School staff must consider what factors contributed to the challenging behavior and whether such behavior could be alleviated by helping the student understand and deal with the factors causing the behavior.

1. Age, health, and disability or special education status of the student.
2. Appropriateness of student's academic placement.
3. Student's prior conduct and record of behavior.
4. Student's understanding of the impact of their behavior.
5. Student's willingness to repair the harm caused by their behavior.
6. Seriousness of the behavioral offense and the degree of harm caused.
7. Whether the behavior constitutes a DASA violation, and if so, what response is required to satisfy the District's obligations under DASA.
8. The circumstances/context in which the conduct occurred.
9. Whether the student was acting in self-defense.
10. Whether the student's offense threatened the safety of any student or staff member.
11. Impact of the incident on overall school community.
12. The likelihood that a lesser intervention would adequately address the violation.
13. Whether the school made any effort to address the student's behavior using positive, preventive methods prior to the incident at issue.
14. Any other mitigating or aggravating circumstances that may be relevant.
15. In the event that a court issues an order of protection for the benefit of a District student or staff, the student against whom the order is issued may be transferred to another school if necessary to comply with the order.

Guidance for Interventions and Disciplinary Responses

School staff have discretion in choosing which interventions and consequences within the level are appropriate, but their discretion is guided by the following:

1. Whenever possible and appropriate, the response to misconduct should begin with the lowest level of response and should prioritize restorative practices and appropriate guidance intervention(s).
2. Whenever possible and appropriate, prior to imposing exclusionary discipline, school officials should exhaust guidance interventions and less severe disciplinary responses.
3. More intensive guidance interventions and progress to a higher-level disciplinary response will be used with students who engage in a pattern of persistent misconduct up to allowable limits as ~~expressed~~

outlined in this policy.

Range of Interventions, Disciplinary Responses and Delineation of Authority
For additional procedures for students with disabilities, see Appendices C and D.

1. Oral warning – any member of the District staff.
2. Written warning – bus drivers, hall and lunch monitors, coaches, guidance counselors, teachers and other certificated staff, Principal, Assistant Principal, Superintendent.
3. Restorative practices – ~~circle teachers~~~~certified practitioners, guidance~~ teachers, school counselors, principal or their designee and other designated community members.
4. Written notification to parent – bus driver, hall and lunch monitors, coaches, guidance counselors, teachers and other certificated staff, Principal, Assistant Principal, Superintendent or designee.
5. Detention – teachers and other certificated staff, Principal, Superintendent or designee.
6. Suspension from transportation – Director of Transportation, Principal, Superintendent or designee. *(Note: For Students with Disabilities, a suspension from special transportation ~~or other District initiated removal from special transportation,~~ may constitute a ~~removal suspension~~ removal from instruction, and as such, specific due process procedures may apply – See Appendices C and D.)*
7. Suspension from athletic participation – coaches, Principal, Superintendent or designee.
8. Suspension from social or extra-curricular activities – activity director, Principal, Superintendent or designee. Teachers may suspend students from social or extra- curricular events or activities which the particular teacher organizes and supervises.
9. Suspension of other privileges – Principal, Superintendent or designee.
10. Suspension or revocation of student's access to District computers and Internet connections—Principal, Superintendent or designee.
11. In-school suspension – Principal, Superintendent or designee.
12. Removal from classroom by teacher – teachers.
13. Short-term (five days or less) suspension from school – Principal, Superintendent or designee, Board.
14. Long-term (more than five days) suspension from school – Principal (may recommend), Superintendent or designee or Board (may impose long-term suspension).
15. Removal from a regular school program—Superintendent or designee, Board.
16. Permanent suspension from school – Superintendent or designee, Board.
17. Other remedies authorized by law—official designated by applicable statute or regulation.

Matrix for Guidance Interventions and Disciplinary Responses

The Code of Conduct holds students accountable for their behavior. Misconduct is grouped into four levels based on the seriousness of the behavior. Each level contains a variety of interventions and consequences for school staff to use in response to the student behavior. The Code of Conduct provides graduated accountability measures for students who engage in repeated behaviors despite prior interventions or consequences.

Under this Matrix, school staff respond to student behaviors with guidance interventions and, depending on the circumstances, disciplinary responses. School staff can choose one of many guidance interventions to help students improve their behavior. At all levels, students may receive a non-disciplinary referral to support staff in the school building.

The Matrix intentionally limits the behaviors for which a student can receive a disciplinary exclusion, such as classroom removal, short- or long-term suspension, or expulsion. Students who engage in misconduct that is not included in the Matrix are subject to appropriate disciplinary measures as determined by school administration, consistent with the disciplinary levels for similar behaviors set forth in the matrix.

Pre-kindergarten students cannot be suspended.[4] Any suspensions for primary students (grades K to 3) or for students with disabilities (grades K to 12) should first be discussed with their Chief of Schools.

Level 1	Uncooperative / Noncompliant Behavior	Classroom Interventions; Student Support Team Interventions
Level 2	Disorderly / Disruptive Behavior	Intensive Support Staff; Administrator Interventions and Responses
Level 3	Aggressive or Injurious / Harmful Behavior	Referral Interventions; Suspension Responses
Level 4	Seriously Dangerous or Violent Behavior	Referral Interventions; Extended Suspension Responses

How to Use the Behaviors and Responses Matrix

In responding to misconduct, school staff should use the matrix below, in conjunction with the table above, as follows:

1. **The "Code" column in the "Matrix Table of Contents" refers to the following:**
   a. **SSEC: Codes that are required to be reported to the state (see Appendix F, "School Safety and Educational Climate (SSEC) Reporting", for further guidance and definition).**
   b. **NS: District codes that are not required to be reported to the state.**

2. School staff should locate the behavior on the Matrix.

3. The boxes crossed out with an "X" in the matrix must not be used under any circumstances.

4. On the first instance of any inappropriate or disruptive behavior, school staff shall utilize one or more guidance interventions, and disciplinary responses, if appropriate, from the lowest level indicated on the

[4] Ref: https://www.nyssba.org/news/2025/01/10/on-board-online-january-13-2025/commissoner-pre-k-students-should-not-be-suspended/

Matrix for that behavior (or one or more interventions or disciplinary responses from any lower level). (See table above for interventions and responses.)

5. If the same behavior is persistently repeated during the same school year, school staff may utilize one or more interventions or disciplinary responses from the next higher level on the Matrix for that behavior, or any lower level as long as there is no "X" in the box at the next level. If there is only one level indicated for that offense, then any interventions or disciplinary responses utilized must be from that same level or a lower level.

6. Except in cases of repeated and persistent violations of the same or similar nature, school staff may not utilize interventions and disciplinary responses from those boxes that state "May be used if approved by the Chief of Schools". In those cases, in which the disciplinary response from the boxes that state, "May be used if approved by the Chief of Schools" are used, restorative practices should still be considered as a component of the response. Staff are encouraged to use guidance interventions whenever possible.

7. If law enforcement is called then a referral should be made to the District services that specialize in the area. If there are no District services in the particular area, a referral should be made to the community organization that specializes in the particular area. The purpose of the referral is to support the student as a restorative practice.

*Note: External programs and entities contracted with the District may have their own exclusionary practices.

Example

1. If a student displays disrespectful behavior and it is determined that an intervention or disciplinary response is needed, the teacher should utilize one or more interventions from Level One.

2. If that student is again disruptive during the same school year, the teacher may utilize one or more interventions from Levels One or Two.

3. If the interventions are unsuccessful and the student commits the same infraction a third time, then the teacher may utilize one or more interventions from Levels One and Two.

4. In circumstances in which the student has repeatedly and persistently engaged in violations of the same or similar nature, interventions from the levels that state "May be used if approved by the Chief of Schools") may be utilized if approved.

LEVELS OF INTERVENTIONS AND DISCIPLINARY RESPONSES

Universal Prevention for All Students. ~~The~~ District staff takes a whole school approach to promoting positive behavior. Social-emotional learning is ~~infused~~ integrated into a culturally responsive curriculum that engages students. School s~~S~~taff meet~~s~~ regularly to ~~ensure~~ maintain ~~that there is~~ a comprehensive student support ~~program~~ system ~~in place~~ that includes guidance services, ~~opportunities for~~ social-emotional learning opportunities, student engagement opportunities, and prevention and intervention behavioral supports ~~to~~ that encourage ~~and motivate pro-social student behavior and positive~~ connections to the school community. Restorative circles and other restorative practices are used regularly to build relationships, establish understanding and trust, and create community. ~~-~~The school has a system in place for early identification of students in need of intervention and/or support services.

Intentional Parent Engagement. District staff and school staff will ~~take a holistic approach in engaging~~ engage parents at all levels.~~[5]~~

KEY: USE LOWEST LEVEL INDICATED FIRST

	Type of Intervention	Guidance Interventions*		Disciplinary Responses
Level 1	**Classroom Interventions and Responses.** These interventions aim to teach correct and alternative behavior so students can learn and demonstrate safe and respectful behavior. Teachers are encouraged to try a variety of teaching and classroom management strategies. Teachers should use these disciplinary responses in a graduated fashion.	• Reminders and redirection • Verbal correction • Role play • Modeling & practicing • Parent or guardian contact • Written reflection • Written apology • Staff/Student Agreement	• Seat change • Daily progress sheet on behavior • Teacher/student conference • Buddy teacher system • Teacher/parent conference • Academic check-in	• In-class time out • Loss of classroom privileges • Detention
Level 1	**Student Support Team Interventions.** These interventions often involve support staff, both school based and within the broader community, and aim to engage the student's support system to ensure successful learning and consistency of interventions, and change the conditions that contribute to the student's inappropriate or disruptive behavior. Staff should use these disciplinary responses in a graduated fashion.	• Any of the above interventions • Parent accompanies student to ~~school if parent agrees and as part of contractual requirements~~reengagement meeting • Referral to building-wide support location • Referral to after-school program • Referral to Student Support Team • Referral to mentoring program • Referral to school-based health or mental health clinic • Referral to community-based organization • Referral to substance abuse treatment services • Change in schedule or class if applicable • Functional Behavioral Assessment and creation of a Behavior Intervention Plan • Referral to CSE or 504 team. • Peer mediation • Restorative approaches, including community service or restitution • Conflict resolution • Community mediation • Community conferencing • Multi-Tiered System of Support Team		
Level 2	**Intensive Support Staff and Administrative Interventions and Responses.** These interventions can involve the school administration and aim to correct behavior by stressing the seriousness of the behavior while keeping the student in school. Staff should use these disciplinary responses in a graduated fashion.			• Any of the above consequences • Reprimand by appropriate administrator • Loss of school privilege • Detention • Classroom removal (up to ½ day)
Level 3	**Suspension and Referral Interventions and Responses.** These interventions may involve the short-term removal of a student from the school environment because of the severity of the behavior. The duration of the short-term suspension, if issued, is to be limited as much as practicable while adequately addressing the behavior. Staff should use these disciplinary responses in a graduated fashion.			• Any of the above consequences • Short-term suspension (one to five days)
Level 4	**Extended Suspension and Referral Responses.** These interventions involve the removal of a student from the school environment because of the severity of the behavior. They may involve the placement of the student in a safe environment that provides additional structure to address behavior. These interventions focus on monitoring the safety of the school community and ending self-destructive and dangerous behavior. Staff should use these disciplinary responses in a graduated fashion.			• Any of the above consequences • Long term suspension

***The list of guidance interventions is not all-inclusive. Other options that support students in the classroom and in the school without removing them from the school environment may be considered and used.**

~~[5] District Staff: all individuals, wherever assigned, who are employed by the District, or are under contract or assignment to the District, or who volunteer to assist the District in the operation of its programs and/or the delivery of its services. The term "District staff" includes transportation staff whether employed by the District or by a contractor.~~
~~School Staff: all individuals, assigned to a school, who are employed by the District, or are under contract or assignment to the District, or who volunteer to assist the District in the operation of its programs and/or the delivery of its services.~~

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Amended Date

ACADEMIC/CLASSROOM			
INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE			
KEY: USE LOWEST LEVEL INDICATED FIRST			
Level 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place**.**	**Level 2:** Intensive Support Staff and Appropriate Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the students and others.	**Level 3:** Short Term Suspension – may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses).	**Level 4:** Request for Long Term Suspension.

INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION
NS05 – Academic Dishonesty (i.e., cheating or plagiarizing)					
Cheating or plagiarism	✓	✓			
NS01a – Classroom Disruption*					
Talking out in class or talking out of turn; throwing objects; picking on, bothering or teasing other students and other behavior that disrupts student learning; horseplay.	✓	✓			
NS09 – Disrespectful Behavior (towards school staff)					
Using verbal insults or put-downs; lying to, misleading or giving false information.	✓	✓			
Threats of bodily harm (Grades K to 6).	✓	✓			
Threats of bodily harm (Grades 7 to 12).	✓	✓	✓		
NS15a – Portable Electronic Device Use at Unauthorized Times					
Use of cell phones, tablets, computers, electronic games, laser pointers, PDAs, iPods, and other portable electronic devices. *On first infraction, students must only be given a warning. Only after the first infraction can the student be subject to Level 1 responses. On the second infraction, parent notification must occur.*	✓	✓			
NS15b – School Equipment Use without Permission					
Use of school technology and communication equipment.	✓	✓			

***If the disruption involves behavior that is harassing, threatening, or violent, then refer to those behaviors in the Code of Conduct for the appropriate interventions.**

NON-ACADEMIC/ADMINISTRATION			
INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE			
KEY: USE LOWEST LEVEL INDICATED FIRST			
Level 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place**.**	**Level 2:** Intensive Support Staff and Appropriate Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the students and others.	**Level 3:** Short Term Suspension – may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses).	**Level 4:** Request for Long Term Suspension.

INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION
NS02 – Absences					
Unexcused tardiness or absence from school.	✓				
Persistent or excessive absence from school.	✓	Guidance intervention only			
NS12 – Class Cutting/Skipping					
Failure to appear or attend a scheduled class.	✓	Guidance intervention only			
NS24~~0~~ – Dress Code Violation					
Refer to dress code standards listed in Appendix A.	✓	Guidance intervention only			
NS23~~8~~ – Bus Violation*					
Serious disruption on the bus (conduct causing the driver to stop the bus).		✓	Suspension ONLY from Bus	Suspension ONLY from Bus	
NS04 – Insubordination (i.e., refusal to obey an order from school staff Non-violent/Non-physical)					
Refusal to follow instructions of authorized school staff.	✓	✓			
Refusal to be scanned (Grades 7 to 12).	✓	✓	✓		
NS01b – Misbehavior in Non-instructional Areas (i.e., hallway, lunchroom, stairwell)					
Running, making excessive noise, throwing objects; picking on, bothering or teasing other students.	✓	✓			
Failure to follow directions, leading to a potential threat of harm to another person or directly leading to the harm of others (Grades K to 6).	✓	✓			
Failure to follow directions, leading to a potential threat of harm to another person or directly leading to the harm of others (Grades 7 to 12).	✓	✓	✓		

***For Students with Disabilities, a suspension from transportation ~~or other District-initiated removal from special transportation,~~ may constitute a ~~removal suspension~~ removal from instruction, and as such, specific**

due process procedures may apply – See Appendices C and D.

NON-ACADEMIC/ADMINISTRATION			
INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE			
KEY: USE LOWEST LEVEL INDICATED FIRST			
Level 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place.	**Level 2:** Intensive Support Staff and Appropriate Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the students and others.	**Level 3:** Short Term Suspension – may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses).	**Level 4:** Request for Long Term Suspension.

INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION
NS17 – Inciting or Participating in a Disturbance					
Causing a large disruption to the atmosphere of order and discipline in the school that is necessary for effective learning, outside of general classroom disruption, or obstructing (Grades K to 6).	✓	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓ AND Refer to RCSD Student Support Services/ Community Organization0	✓
Causing a large disruption to the atmosphere of order and discipline in the school that is necessary for effective learning, outside of general classroom disruption, or obstructing (Grades 7 to 12).		✓ AND Refer to RCSD Student Support Services/ Community Organization	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓
Using a personal communication device to attract others to participate in or witness a disturbance (Grades K to 6).	✓	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓ AND Refer to RCSD Student Support Services/ Community Organization0	✓
Using a personal communication device to attract others to participate in or witness a disturbance (Grades 7 to 12).		✓ AND Refer to RCSD Student Support Services/ Community Organization	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓
Using a personal communication device to display, promote, or showcase a disturbance (recording the disturbance or posting the disturbance on social media, sending video footage to others, etc.) (Grades K to 6).	✓	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓ AND Refer to RCSD Student Support Services/ Community Organization	
Using a personal communication device to display, promote, or showcase a disturbance (recording the disturbance or posting the disturbance on social media, sending video footage to others, etc.) (Grades 7 to 12).		✓ AND Refer to RCSD Student Support Services/ Community Organization	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓ AND Refer to RCSD Student Support Services/ Community Organization	

VIOLENCE/DASA			
INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE			
KEY: USE LOWEST LEVEL INDICATED FIRST			
Level 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place**.**	**Level 2:** Intensive Support Staff and Appropriate Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the students and others.	**Level 3:** Short Term Suspension – may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses).	**Level 4:** Request for Long Term Suspension.

INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION
NS07 – Fighting					
Physical aggression with another student (i.e., shoving or pushing).	✓	✓			
Minor fighting (may include incidents resulting in minor injuries).	✓	✓	✓		
NS03 – Attack on Student (NO INJURY) (i.e., hitting, kicking or punching another student without warning or provocation)					
No injury (no visual, physical injuries; includes incidents of domestic violence or relationship disputes).	✓	✓	✓		
NS18 – Unintentional Physical Contact with School Staff					
Unintentional, reckless physical contact with school staff.	✓	✓			
SSEC3 – Assault (intending to or recklessly causing injury with or without a deadly weapon or dangerous instrument)					
Attack against school staff; physically attacking an employee of the Rochester City Schools or other adult (ages 9 and under).	✓	✓	✓	✓	
Bodily injury (ages 9 and under)		✓	✓	May be used if approved by the Chief of Schools	
Attack against school staff; physically attacking an employee of the Rochester City Schools or other adult (ages 10 and up).	✓	✓	✓	✓	✓
Bodily injury (ages 10 and up)		✓	✓	✓	May be used if approved by the Chief of Schools

VIOLENCE/DASA			
INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE			
KEY: USE LOWEST LEVEL INDICATED FIRST			
Level 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place.	**Level 2:** Intensive Support Staff and Appropriate Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the students and others.	**Level 3:** Short Term Suspension – may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses).	**Level 4:** Request for Long Term Suspension.

INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION
NS21 – Serious Bodily Injury					
Unintentionally causing substantial risk of death or causing permanent or serious disfigurement, loss of function of any part of the body or impairment of the function of any part of the body.			✓	✓	✓
Intentionally causing substantial risk of death or causing permanent or serious disfigurement, loss of function of any part of the body or impairment of the function of any part of the body.				✓	**MUST** BE REPORTED TO LAW ENFORCEMENT
SSEC1 – Homicide					
Any intentional violent conduct that results in the death of another person.				✓	**MUST** BE REPORTED TO LAW ENFORCEMENT
NS13 – Sexually-Based Infraction/Misconduct					
Sexual harassment (i.e., unwelcome sexual advances, requests for sexual favors; other inappropriate verbal, written or physical conduct or gestures of a sexual nature, indecent exposure).	✓	✓	✓	✓	✓
Consensual sexual activity (Grades K to 12)	✓	✓	✓		May be used if approved by the Chief of Schools
SSEC2 – Sexual Offense					
Forced sexual act (use of physical force, express or implied threat of harm to gain compliance) (Grades K to 6). **(Unwanted sexual contact, including unwanted touching of intimate body parts without use of force.)**	✓	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓ AND Refer to RCSD Student Support Services/ Community Organization	**MUST** BE REPORTED TO LAW ENFORCEMENT
Forced sexual act (use of physical force, express or implied threat of harm to gain compliance) (Grades 7 to 12) **(Unwanted sexual contact, including unwanted touching of intimate body parts without use**				✓ AND Refer to RCSD Student Support Services/ Community Organization	**MUST** BE REPORTED TO LAW ENFORCEMENT

of force.)					
VIOLENCE/DASA					
INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE					
KEY: USE LOWEST LEVEL INDICATED FIRST					
Level 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place**.**	**Level 2:** Intensive Support Staff and Appropriate Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the students and others.	**Level 3:** Short Term Suspension – may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses).			**Level 4:** Request for Long Term Suspension.
INAPPROPRIATE BEHAVIOR	**LEVEL 1**	**LEVEL 2**	**LEVEL 3**	**LEVEL 4**	**MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION**
SSEC5a – Material Incidents of Discrimination, Harassment and Bullying (Excluding Cyberbullying)					
Minor harassment (i.e., verbal discriminatory actions). **Dignity for All Students Act (DASA) Report may be filed**	✓	✓	✓		
Intentional or reckless conduct (including verbal or written conduct) that is offensive, threatening, or intimidating and may substantially disrupt the orderly operation of a school. **Dignity for All Students Act (DASA) Report must be filed**	✓	✓	✓	May be used if approved by the Chief of Schools	May be used if approved by the Chief of Schools
Physical contact in a manner intended to be offensive, threatening or intimidating and may substantially disrupt the order operation of a school. **Dignity for All Students Act (DASA) Report must be filed**		✓	✓	May be used if approved by the Chief of Schools	May be used if approved by the Chief of Schools
Serious bullying and/or harassment (i.e., repeatedly over time engaging in intentional negative behaviors that adversely affect another student's ability to participate in or benefit from a school's education or extra-curricular programs or severe isolated instances of bullying, such as threatening behavior that places a student in fear of death or serious injury, defamation, discrimination or conduct that is intended to cause another student to suffer public humiliation). **Dignity for All Students Act (DASA) Report must be filed**		✓	✓	✓	May be used if approved by the Chief of Schools
SSEC5b – Cyberbullying					
Harassment or bullying that occurs through any form of electronic communication, (Ed. Law §11[8]) including, but not limited to, cell phones, computers, and tablets, or other communication tools, including social media sites, text messages, chat rooms, and websites. **Dignity for All Students Act**	✓	✓	✓	May be used if approved by the Chief of Schools	May be used if approved by the Chief of Schools

(DASA) Report must be filed					
DRUGS/SUBSTANCES					
INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE					
KEY: USE LOWEST LEVEL INDICATED FIRST					
Level 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place.	**Level 2:** Intensive Support Staff and Appropriate Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the students and others.		**Level 3:** Short Term Suspension – may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses).		**Level 4:** Request for Long Term Suspension.
INAPPROPRIATE BEHAVIOR	**LEVEL 1**	**LEVEL 2**	**LEVEL 3**	**LEVEL 4**	**MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION**
SSEC10 – Use, Possession, or Sale of Alcohol*					
Under the influence (investigation to occur to make a determination) Medical staff must be immediately notified if a student is found to be under the influence or using an inhalant.		Refer to RCSD Student Support Services/ Community Organization			
Possessing	✓	Refer to RCSD Student Support Services/ Community Organization	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓AND Refer to RCSD Student Support Services/ Community Organization	✓
Distributing or selling			✓	✓	✓
SSEC9 – Use, Possession, or Sale of Drugs*					
Under the influence (investigation to occur to make a determination) Medical staff must be immediately notified if a student is found to be under the influence or using an inhalant.		Refer to RCSD Student Support Services/ Community Organization			
Possessing	✓	✓	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓
Distributing or selling			✓	✓	✓

***All students identified with or under the influence of alcohol, drugs, controlled substances or inhalants require an assessment to determine need for prevention, treatment, or medical intervention services and must be connected to appropriate services through identified school support staff, such as a nurse, social worker, counselor or administrator at the time of the incident.**

DRUGS/SUBSTANCES			
INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE			
KEY: USE LOWEST LEVEL INDICATED FIRST			
Level 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place.	**Level 2:** Intensive Support Staff and Appropriate Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the students and others.	**Level 3:** Short Term Suspension – may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses).	**Level 4:** Request for Long Term Suspension.

INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION
NS22~~0~~ – Use, Possession, or Sale of Inhalants & Non-Controlled Substance*					
Under the influence or use of (investigation to occur to make a determination) Medical staff must be immediately notified if a student is found to be under the influence or using an inhalant.		Refer to RCSD Student Support Services/ Community Organization			
Possessing	✓	✓	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓ AND Refer to RCSD Student Support Services/ Community Organization	✓
Distributing or selling			✓	✓	✓

***All students identified with or under the influence of alcohol, drugs, controlled substances or inhalants require an assessment to determine need for prevention, treatment, or medical intervention services and must be connected to appropriate services through identified school support staff, such as a nurse, social worker, counselor or administrator at the time of the incident.**

LEGAL/LAW			
INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE			
KEY: USE LOWEST LEVEL INDICATED FIRST			
Level 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place**.**	**Level 2:** Intensive Support Staff and Appropriate Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the students and others.	**Level 3:** Short Term Suspension – may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses).	**Level 4:** Request for Long Term Suspension.

INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION
NS16 – Gambling					
Requiring the use of money or exchangeable goods.	✓	✓			
SSEC7 – False Alarm (Activation of a Fire Alarm)					
Grades K to 6	✓	✓	✓	✓	**Fire Department must be notified.**
Grades 7 to 12		✓	✓	✓	**Fire Department must be notified.**
NS19 – Fire Setting/Arson					
Starting a fire; destruction of property as a result of starting a fire.		✓	✓	✓	**MUST** BE REPORTED TO FIRE DEPARTMENT NYS Fire Code §401.3
NS06 – Property Damage/Vandalism, including Graffiti					
Minor or reckless damage (less than $50).	✓	✓			May be used if approved by the Chief of Schools
Intentional damage to another person's or school property ($50 to $250).		✓	✓		May be used if approved by the Chief of Schools
Intentional damage to another person's or school property (over $250).		✓	✓	✓	May be used if approved by the Chief of Schools
NS10 – Theft					
Taking of property that does not belong to that person. (Grades K-6)	✓	✓	✓		
Taking of property that does not belong to that person. (Grades 7-12)	✓	✓	✓	✓	✓

LEGAL/LAW			
INAPPROPRIATE AND DISRUPTIVE BEHAVIORS AND LEVELS OF RESPONSE			
KEY: USE LOWEST LEVEL INDICATED FIRST			
Level 1: Classroom Support and Student Support Team – may be appropriate when student has no prior incidents and interventions have not been put in place.	**Level 2:** Intensive Support Staff and Appropriate Administration – may be appropriate when supports have been put in place in the classroom to address behavior but the behavior has continued to negatively affect the learning of the students and others.	**Level 3:** Short Term Suspension – may be appropriate when interventions and supports have been put in place but the behavior is escalating (repeated offenses).	**Level 4:** Request for Long Term Suspension.

INAPPROPRIATE BEHAVIOR	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	MAY REFER TO LAW ENFORCEMENT FOR ADVICE, DIVERSION OR FURTHER ACTION
NS11 – Trespassing					
Being on school property without permission.		✓	✓	✓	May be used if approved by the Chief of Schools
Being on school property while suspended or expelled.		✓	✓	✓	May be used if approved by the Chief of Schools
Breaking and entering		✓	✓	✓	✓
SSEC6 – Bomb Threat (a telephoned, written, or electronic message that a bomb, explosive, or chemical or biological weapon has been or will be placed on school property)					
K to grade 6	✓ And Threat Assessment	✓ And Threat Assessment	✓ And Threat Assessment	✓ And Threat Assessment	
Grades 7 to 12	✓ And Threat Assessment	✓ And Threat Assessment	✓ And Threat Assessment	✓ And Threat Assessment	May be used if approved by the Chief of Schools
SSEC8 – Threat of School Violence (Other than Bomb Threat or False Alarm) (a verbal, telephoned, written or electronic message of a threat of violence on school property or at a school related function)					
K to grade 6	✓ And Threat Assessment	✓ And Threat Assessment	✓ And Threat Assessment	✓ And Threat Assessment	
Grades 7 to 12	✓ And Threat Assessment	✓ And Threat Assessment	✓ And Threat Assessment	✓ And Threat Assessment	May be used if approved by the Chief of Schools
SSEC4 – Weapons Possession					
Firearms (possession of a firearm as defined in 18 USC 921 of the federal code – i.e., handguns, rifles, shotguns, and bombs) Suspension for no less than one calendar year is mandated by state law for firearms violations, but can be modified on a case-by-case basis by Rochester City School District Superintendent (Education Law §3214(3)(d)).				✓	**MUST** BE REPORTED TO LAW ENFORCEMENT Education Law §3214(3)(d)
Other guns or weapons which could cause bodily harm (i.e., loaded BB guns, pellet guns, knives, paint ball gun, silencer or other weapon that could cause serious bodily harm or look like a gun).	✓	✓	✓	✓	**MUST** BE REPORTED TO LAW ENFORCEMENT
NS14 – ~~Resembled~~ Weapons ~~Possession~~ – Not Reported to Police (Resembled Weapons)					
Possession of objects that resemble a gun or weapon but are unlikely to cause bodily harm (i.e., water guns, toy guns,	✓	✓	✓	✓	May be used if approved by the Chief of Schools

unloaded or inoperable BB guns, pellet guns).					

School Based Safety Codes

Every District building has a safety code designed to handle issues of building safety and emergency preparedness, and buildings may have conduct codes supplemental to the District *Code of Conduct*. All students, District staff and visitors are expected to comply with building rules, and with any additional rules established to meet alerts issued by the U.S. Department of Homeland Security, law enforcement or other authorized public agencies, and to do their part to create safe environments.

Reporting Violations

All students are encouraged to promptly report violations of the Code of Conduct to a teacher, guidance counselor, the Building Principal or their designee. A student observing anyone possessing a weapon, alcohol or illegal substance on school property or at a school function should report this information immediately to a teacher, the Principal, the Principal's designee, building/program administrator or the Superintendent of Schools. The identity of the person providing information will be protected to the fullest extent practicable.

All District staff who are authorized to impose disciplinary interventions are expected to do so in a prompt, fair and lawful manner. District staff who are not authorized to impose disciplinary sanctions have a duty to promptly report violations of the Code of Conduct to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Enforcement

The Principal or designee shall be responsible for enforcing the Code of Conduct. When the Principal or designee sees or is advised by others of an individual engaged in prohibited conduct which in their judgment and discretion does not pose any immediate threat of injury to persons or property, the Principal or designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The Principal or designee may also warn the individual of the consequences for failing to stop, which is outlined in the matrix section of this Code of Conduct.

If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct, in the judgment and discretion of the Principal or designee poses an immediate threat of injury to persons or property or to public order, the Principal or designee shall have the individual removed immediately from school property or the school function and may, if they believe it necessary, call law enforcement to assist in removing the person.

The District may initiate disciplinary action against any student or staff member, as appropriate, in accordance with law, and with respect to employees, any applicable collective bargaining agreement. In addition, the District reserves its right to pursue legal action, civil and/or criminal, against any person violating the *Code of Conduct*.

Students' Electronic Devices

A student's electronic device may be confiscated by District staff pursuant to a school building's procedures if the Principal determines that the possession of such a device is disruptive or distracting to the school environment or educational process. For purposes of this policy, electronic devices include, but are not limited to: cell phones, smartphones, mp3 players, iPods, iPads, Kindles, Nooks, PDAs, laptops, pagers, recording devices, games and other mobile electronic devices. The confiscated electronic device must be properly identified, placed and stored in a locked container or room. Each school shall create storage and return procedures consistent with this policy. Claims related to the loss of a student's electronic device that result from a school's failure to abide by this policy shall be paid through the school's discretionary fund.

In accordance with state guidelines and to ensure the integrity of testing, students are not allowed to bring cell phones or other electronic devices into classrooms or other exam locations during administration of NYS or in any other assessments.

Test proctors, monitors and school officials have the right to collect cell phones and other prohibited electronic devices prior to the start of the test and to hold them for the duration of the test-taking time. Admission to the test will be denied to any student who has a cell phone or other electronic device in their possession and does not relinquish it.

Students with Individualized Education Plans (IEP), 504 Plans, or documentation from a medical practitioner that specifically requires the use of an electronic device may do so as specified.

District Computer Equipment/Websites/E-mail Used by Any Person[6]

No person using District faxes, computer equipment, software owned, leased or controlled by the District, or websites, e-mail or Internet access provided by the District has a reasonable expectation of privacy with respect to such equipment, software, websites, e-mail or Internet access provided by the District. No person shall knowingly add any program or any hardware attachment (including wireless apparatus) to any such equipment without the express written consent of the District's Information Management & Technology Department; nor shall any person knowingly or intentionally use any proprietary software on District equipment unless a valid license has been issued for such use on such equipment; nor shall any person intentionally expose District equipment to any computer virus, worm or other technological invader. No user shall use District equipment to engage in extensive or abusive non-business or nonacademic projects or Internet searches, since such use tends to slow and/or compromise the system and make it less accessible for District educational and business operations. The District reserves the right to monitor the use of its equipment and software, and to monitor e-mail, websites and Internet access using District equipment or on school property without prior notice or consent. Any use of District computer equipment or software, or Internet access from District equipment or from school property which violates federal or state law may be reported to appropriate law enforcement officials, and may also result in both disciplinary action and denial of prospective use of such equipment and of Internet access, and in a civil action to recover any judgment, settlement, fine or penalty imposed upon the District because of such statutory violation. Any use of such equipment or facilities which violates provisions of this *Code of Conduct* may result in both disciplinary action and denial of prospective use of such equipment and of Internet access.

Weapons, Alcohol & Illegal Substances

The only individuals authorized to possess firearms on District property are law enforcement officers on site in the performance of their official duties, and such other individuals who are permitted to possess firearms on a school campus by express statutory authority or the express consent of the Board of Education.

Any weapon, alcohol or illegal substance found on District property or in the possession of any person on District property shall be confiscated immediately, if possible. If the material is possessed by a student, confiscation shall be followed by notification to the parent of the student involved and the appropriate disciplinary sanction, which may include permanent suspension and referral for prosecution. Possession by an employee and/or staff subjects that person to discipline in accordance with applicable law and any collective bargaining agreement covering such employee (if applicable), and referral for prosecution.

Student Removals & Due Process

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[6] Cross-ref.: *Acceptable Use of the District Network* (1950)
Internet Policy (4526)

On occasion, a student may engage in behavior that threatens the safety of others in the school community or seriously disrupts the school environment and needs to be removed through a temporary classroom removal, suspension or expulsion. However, written referrals shall not be used to document supports offered to students within the classroom (i.e., timeouts and other informal measures). See Appendix F for definition of removal.

There are four ways that schools can remove students for disciplinary reasons:

1. Temporary Classroom Removal by Teacher (up to 1/2 day)
2. Short Term Suspension by Principal (1-5 days), either in or out of school
3. Long Term Suspension by Superintendent (6 days – 365 days)
4. Expulsion by Superintendent

Disciplinary practices include an in-school or out-of-school suspension, or any other removal of a student from class during which the student:

1. is not afforded the opportunity to continue to appropriately participate in the general curriculum;
2. does not receive the services specified on the student's Individualized Education Program (IEP); or
3. does not continue to participate with nondisabled children to the extent they would have in their current placement.

This includes asking a parent to pick a student up as a way of deescalating, sending a student to a "Help Zone" for an extended length of time), which will count as a suspension and must follow due process.

In these cases, students are entitled to due process, which means that the school staff must take steps to investigate the incident and talk to the student before making the decision to remove the student from school. Due process generally includes the right to receive notice of why a person is being removed from school and an opportunity for that person to tell their side of the story before a final decision is made. Parents must receive notice of the behavior and the discipline response. The longer the removal, the more steps the school must take before removing a student. Students with disabilities are entitled to additional due process.

For a full list of the steps that are required, see Appendices C (Due Process) and D (Students with Disabilities).

Continued Engagement Throughout Suspension

Suspension protocols must include at minimum before, during and after suspension consistent communication with student and family, supports to assure that the student keeps up with academics, engage student and family in developing the plan for their success, and demonstration of caring connection to their community.

Alternative Instruction[7]

The mission of the District is to educate all students to their highest level of performance. The District is committed to meeting or exceeding the performance goals it has established, as well as the performance guidelines established by the State of New York; and to taking all feasible steps to provide that a suspension will not be the reason for any student to fall behind in achieving those goals.

The Board expects students, administrators, teachers, and parents to make every effort to maintain student academic progress in the event of removal or suspension, and support student re-entry into the school and classroom at the conclusion of the disciplinary action.

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[7] Cross-ref.: Instructional Goals (4000)
Student Attendance and Withdrawal Policy (5100)
Ref.: Education Law §3214(3)(e)

When a student is removed from class by a teacher, or a student of compulsory school age is suspended from school pursuant to Education Law § 3214, the District will take the necessary steps to provide alternative instruction as required by this Code and by applicable law. The method of alternative instruction shall be appropriate to the circumstance (i.e., long-term, short-term, in-school suspension, or removal from class). In all cases, it shall be incumbent upon the building staff to ensure that each student has course assignments available to them for the period of removal or suspension; and that upon return to regular classes, those assignments are turned in within the same time frames as provided for make-up opportunities in the case of excused absence. It is the responsibility of each student to complete all such assignments and, where assigned to an alternative site or to a tutor, to attend and perform to the best of the student's ability. If the District offers virtual instruction, it shall be in compliance with §100.2(u) of the Regulations of the Commissioner of Education. When a student not of compulsory school age is suspended from school, the District will afford the student the opportunity to access the same education alternatives as a student of compulsory age.

Re-entry to School After Suspension[8]

The Superintendent will create a Superintendent's regulation for re-engagement after a student is suspended.

Student Searches

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school staff authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the Code of Conduct.

In addition, the Board authorizes the Superintendent, building principals and District security officials to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the *Code of Conduct*. An administrator or security staff acting under the direction and supervision of an administrator may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the official has a legitimate reason for the limited search. Other school staff may conduct a search only in a situation where the circumstances do not allow the calling of the Superintendent, building principal or security official.

If practicable, the school official conducting a search shall consult with the School Chief or Law Department concerning the presence of reasonable suspicion and shall have another adult witness the search. Whenever practicable, before searching a student or the student's belongings, the authorized school official should first ask the student if they possess physical evidence that the student violated the law or the *Code of Conduct* and/or ask the student to voluntarily surrender the evidence and/or consent to the search.

Searches will be limited to the actions necessary to locate the evidence sought. Whenever practicable, searches will be conducted in a private area and students will be present when their possessions are being searched.

The rules in these standards regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

Searches may be conducted on school property or at school functions, including searches of lockers, hotel rooms, vehicles or other facilities used by students during school sponsored trips, or athletic or academic events, in which case the staff member, chaperones, or coaches involved in such activity shall be deemed to have the same authority

[8] Cross-ref: Re-Entry to School After Suspension (1400-R2)

to act that applies to a building principal or security official on school property.
Strip searches of students are expressly prohibited in all circumstances under this policy. "Strip search" is defined as a search requiring a student to remove all clothing.

If the Principal or designee determines that there is an imminent threat to the safety of the student or others, law enforcement must be contacted to intervene.

In all cases, reports shall be completed regarding the circumstances and results of the search. Any dangerous or illegal items, such as weapons or controlled substances, taken during the course of the search shall be turned over to the Director of Safety and Security or law enforcement authorities.

The authorized school officials conducting the search shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of student searched;
2. Detailed reasons for the search;
3. Name of any informant(s);
4. Purpose of search (that is, what item(s) were being sought);
5. Type and scope of search;
6. Person conducting search and their title and position;
7. Witnesses, if any, to the search;
8. Time and location of the search;
9. Results of the search (that is, what items(s) were found);
10. Disposition of items found; and
11. Time, manner and results of parental notification

The Principal or the Principal's designee shall be responsible for the custody, control and disposition of any dangerous item taken from a student, and immediately turn over any illegal item, or item which may constitute evidence of a crime to the Rochester Police Department or other authorized law enforcement agency. The Principal or their designee shall clearly label each item taken from the student and retain control of the item(s) until the item is turned over to law enforcement. The Principal or their designee shall be responsible for personally delivering dangerous or illegal items to the Director of Safety and Security or to law enforcement.

Computer Identification Systems & Random Metal Detection[9]

At all secondary schools (7th through 12th), computer identification systems shall be used to supplement other safety initiatives, and to ensure to the extent feasible that unauthorized access to the schools is minimized. All students are required to carry their student identification, and to present it upon request to any District staff. Metal detection systems, including hand-held wands, walk-through and x-ray capacity equipment may be used by trained staff at any school in a random manner, and may be done on a non-random basis premised upon reasonable suspicion. All students are subject to scanning procedures, and to confiscation of any material prohibited by law, school policy, or regulation. If a student refuses to cooperate with the scanning or authorized pat down process, support staff shall be called for intervention and mediation. If the student continues to refuse to comply, the student may be referred for disciplinary action.

Prohibited and Permitted Physical Force[10]

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any District staff is strictly forbidden. However, per 8 NYCRR 19.5(d)(2)(v), in

[9] Cross-ref.: Timeout and Physical Restraint (Criss De-escalation) (4321.12); Safe Schools (8135)
[10] Ref.: 8 NYCRR §§19.5(a)-(d); 100.2(l)(3)(i)

situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, state regulation provides that reasonable physical force may be used to:

1. Protect oneself, another student, teacher or any person from physical injury.
2. Protect the property of the school or others if there is imminent danger of serious physical harm to self or others, and the students have not responded to positive, proactive intervention strategies.
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of School District functions, powers and duties, if that student has refused to refrain from further disruptive acts.

The District will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

Arrests and Referrals to Law Enforcement

Appendix E to this Policy contains the comprehensive guidance regarding law enforcement in schools.

Arrests for school-based behavior should only be used as a last resort when there is a serious, actual threat to safety. Incidents should be resolved without arrests as much as practicable.

Law enforcement officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with criminal investigations. Consistent with Board Policy 5600 and Superintendent Regulation 5600-R, law enforcement officials may enter school property or a school function to question or search a student or to conduct a criminal investigation involving students only if they have:

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function.

The school principal, or designee, will immediately contact the parent/guardian when law enforcement seeks to question or search a student as part of a criminal investigation. If the parent/guardian cannot be reached, or the parent refuses to consent to the search or questioning, the questioning or search of the student cannot be conducted, unless the student is at least 18 years of age or there is an imminent threat to safety. Whenever possible, the parent/guardian (or the Principal or designee, if the parent is unavailable) will be present during any law enforcement questioning or search of a student on school property or at a school function.

Students who are questioned by law enforcement officials on school property or at a school function will be afforded the same rights that they have outside of school.

The matrix notes the circumstances under which reports to law enforcement may be considered or are required.

School officials should use their discretion before notifying law enforcement, and should consider the following factors:

1. Age, health, and disability or special education status of the student;
2. Appropriateness of student's academic placement;
3. Student's prior conduct and record of behavior;
4. Student's understanding of the impact of their behavior;
5. Student's willingness to repair the harm caused by their behavior;
6. Seriousness of the behavioral offense and the degree of harm caused;
7. Whether the behavior constitutes a violation of the Dignity for All Students Act (DASA), and if so, what response is required to satisfy the District's obligations under DASA.
8. The circumstances / context in which the conduct occurred;

9. Whether the student was acting in self-defense;
10. Whether the student's offense threatened the safety of any student or staff member;
11. Impact of the incident on overall school community;
12. The likelihood that a lesser intervention would adequately address the violation;
13. Whether the school made any effort to address the student's behavior using positive, preventive methods prior to the incident at issue; and
14. Any other mitigating or aggravating circumstances that are relevant.

The school principal, or designee, will immediately contact the parent/guardian of any student arrested or involved in a criminal investigation on school grounds in all non-emergency situations, or as soon as practicable in emergency situations. Consistent with Board Policy 5600 and Superintendent's Regulation 5600-R, any time law enforcement seek to arrest a student, the Principal or designee must contact the Law Department, and a member of the Law Department should, if possible, be present for the arrest.

Students and their families are not prohibited from contacting law enforcement if they believe that a student has been the victim of a crime. See Appendix E (Law Enforcement) for more details.

Public Conduct on School Property

The District is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions, including meetings or hearings conducted by the Board of Education. For purposes of this section of the *Code*, "public" shall mean all persons on school property or attending any school function wherever located, including visitors, students, parents, teachers and other District staff.

The restrictions on public conduct on school property and at school functions contained in this *Code* are not intended to limit freedom of speech or peaceful assembly. The District recognizes that free inquiry and free expression are indispensable to its objectives. The purpose of this *Code* is to maintain public order and prevent abuse of the rights of others.

All persons on school property or attending any school function, meeting, conference or hearing shall conduct themselves in a respectful and orderly manner. Just as parents, guardians and other visitors expect the administrators, teachers and staff to treat them with dignity and civility, those visitors are expected to extend the same courtesy and cooperation to the District's staff. Good sportsmanship and civility are expected of all persons participating in, coaching or attending sports events, or attending public assemblies and programs. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose for which they are on school property.

This provision is supplemental to other policies of the Board of Education relative to the use of District property by members of the community, and is directed specifically to assuring to the fullest possible extent that all users of District property, including visitors, comport themselves in a civil, peaceful and lawful manner.

Prohibited Conduct on School Property

No person, either alone or with others, shall:

1. Intentionally or recklessly injure any person or threaten or attempt to do so.

2. Intentionally or recklessly damage or destroy, or attempt to damage or destroy District property or the personal property of a District staff or any person lawfully on school property, including graffiti or arson.

3. Disrupt the orderly conduct of classes, school programs, sporting events, assemblies, theatrical or musical

presentations, meetings, conferences, hearings, Board of Education meetings or other school activities.

4. Distribute or wear materials on school property or at school functions that are obscene, or advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.

5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, color, creed, weight/appearance, national origin, citizenship status, ethnic group, religion, religious practice, age, sex gender (including gender expression and gender identity), sexual orientation, disability, predisposing genetic characteristics, marital status, partnership status, domestic violence victim status, military work or status, veteran status, or political affiliation; or use language or gestures which a reasonable person would find intentionally discriminatory toward any person or group entitled to protection in their right to obtain an education under the New York State Executive Law. Such intimidation may be person-to-person, or communicated indirectly by writing, or by any telephonic or electronic means, including use of computers or the Internet.

6. Intimidation or "bullying" on school property or at a school function, which includes harassment that interferes with a student's education or threatens a student's well- being. Harassment includes engaging in actions or making statements that are intended to place an individual in fear or cause emotional harm; threatening, stalking or seeking to coerce or compel a person to do something; or abusive conduct or use of epithets, threats, or slurs based on actual or perceived race, color, weight/appearance, ethnicity, national origin, citizenship status, creed, religion, religious practices, age, sex, gender, gender identity or expression, sexual orientation, disability, predisposing genetic characteristics, marital status, partnership status, domestic violence victim status, military work or status, veteran status, or political affiliation. Such harassment may be person-to-person, or communicated indirectly by writing, or by any telephonic or electronic means, including use of computers or the Internet.

7. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.

8. Obstruct the free movement of any person in any place to which this code applies.

9. Violate the traffic laws, parking regulations or other restrictions on vehicles.

10. Possess, consume, sell, distribute or exchange alcoholic beverages or controlled substances, or be under the influence of either on school property or at a school function.

11. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers while on duty as such, or except as specifically authorized by the Board of Education or by statute.

12. Loiter on or about school property.

13. Gamble on school property or at school functions.

14. Refuse to comply with any reasonable order of identifiable District officials performing their duties.

15. Willfully incite others to commit any of the acts prohibited by this Code.

16. Violate any federal or state statute, local ordinance or Board policy while on school property or while at a school function.

17. Comport themselves in a manner which violates District rules, particularly with regard to the limited

public forum made available by the Board; or which violates the terms of any use permit.

18. Threaten to use any weapon; or brandish or display what appears to be a weapon.

19. Attempt to obtain property or favor from another by threat or by force.

20. Threaten bodily harm to staff or students. A threat exists whenever a reasonable person would interpret the statement as a serious expression of intent to harm or assault.

21. Use language or gestures that are profane, lewd, vulgar or abusive, or uncivil, particularly during meetings, conversation or discussion with any teacher, administrator, staff member or student.

22. Place a bomb, explosive, biological or chemical weapon or incendiary device on District property, whether or not active; or make a telephoned, written or electronic message that a bomb, explosive, biological or chemical weapon or incendiary device has been or will be placed on or near District property.

23. Commit any other act on District property or at a school function which would be prohibited under this Code if committed by a student of this District.

Visitors to Schools

The Board encourages parents and other citizens to visit the District's schools and classrooms to observe the work of students, teachers and other staff. Since schools are a place of work and learning, however, certain limits must be set for such visits. The building principal or their designee is responsible for all persons in the building and on the grounds. For these reasons, the following rules apply to visitors to the schools:

1. Anyone who is not a regular staff member or student of the particular school will be considered a visitor (including Central Office staff).

2. All visitors to the school must report to the office of the Principal upon arrival at the school. There they will be required to sign the visitor's register. If identification badges are used in the building, they will be issued a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must return the identification badge to the Principal's office before leaving the building.

3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings, athletic competitions or public gatherings, are not required to wear an identification tag.

4. Parents or citizens who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher(s), so that class disruption is kept to a minimum.

5. Teachers are not expected to take time to discuss individual matters with visitors during class time.

6. Any unauthorized person on school property will be reported to the Principal or their designee. Unauthorized persons will be asked to leave. Law enforcement may be called if the situation warrants.

7. All visitors must abide by the rules contained in the *Code of Conduct*.

DATA COLLECTION

Annual Data Collection & Review

Schools will biannually review their discipline data and submit a written report to the District and the Board of Education, which will be accessible to the public. Schools and the District will make the following data and reports publicly available. Based on the review, schools will make changes to their implementation of the *Code of Conduct* consistent with the intent of this and other policies.

The District, Superintendent, and School Board will review the following:

1. The total enrollment for the school;
2. Average daily attendance rate at the school;
3. Dropout rates for grades seven through twelve;
4. The school's bullying prevention and education program;
5. Intervention and prevention strategies and outcomes, Districtwide and by schools;
6. Number of conduct and discipline code violations, broken down according to the nature of the offenses, disaggregated by school, race, ethnicity, age, grade, disability, ELL status, sex, and gender of the students, where available:
    a. Possession of a dangerous weapon;
    b. Use or possession of alcohol, drugs or controlled substances;
    c. Willful disobedience or open and persistent defiance;
    d. Conduct equal to first degree, second degree, third degree, or vehicular assault
    e. Behavior that is detrimental to the welfare or safety of other students or of other school staff;
    f. Willful destruction or defacement of school property;
    g. Conduct equal to robbery; and
    h. Other violations of the code of conduct and discipline that resulted in documentation of the conduct in a student's record.
7. The extent to which the policy, including but not limited to disciplinary action, is consistently applied to all students;
8. Results from the school climate and safety survey;
9. School building level engagement detailing how, when, and how often families and students are informed of the Code of Conduct.
10. The sufficiency of the training outlined in principle 1.8.

School Climate and Discipline Oversight

The District will monitor school climate district-wide by:

1. Conducting annual surveys of students and school staff on school climate and safety;
2. Reviewing complaints received by school-based committees regarding discipline practices or the conduct of school staff and school safety officers;
3. Developing, monitoring, and evaluating school discipline policies and practices district-wide; and
4. Reviewing complaints and long-term suspension appeals received by the Board of Education.

ANNUAL REVIEW, DISSEMINATION, & REGULATION[11]

The Board of Education will shall review the Code of Conduct annually at or following the close of each academic

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[11] Education Law § 2801(5); Commissioner's Regulation 8 NYCRR § 100.2(l)(2)(iii)(a)

year if necessary.

The Board shall appoint an advisory committee called the Code of Conduct Committee to assist the ~~Policy Committee~~Board in its review of the Code of Conduct. -The Code of Conduct Committee ~~will~~ shall be comprised of student representatives, teachers, administrators, parents and community-based organizations, school safety staff and other school staff. The Code of Conduct Committee shall submit its findings and any recommendations to the Board of Education ~~and Superintendent~~ by April 1st (date by which Committee can reasonably be expected to conduct review of *Code* implementation and generate recommendations) of each school year and at such additional times as it deems appropriate.

The Board and Code of Conduct Committee shall consider school-level data, including data aggregated to illustrate trends and District-level data, and the District's response to Code of Conduct violations. In conducting the review, the Board and Code of Conduct Committee will consider the effectiveness of the *Code*'s provisions and ~~whether~~ the ~~standards have been applied fairly~~ fairness and ~~consistently~~consistency of the administration. Revisions to the Code of Conduct will be made after at least one public hearing, which shall provide for the participation of school staff, parents, students and any other interested party. A minimum of 10 school days' notice shall be provided prior to conducting a public hearing to consider changes to the Code of Conduct.

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Dissemination[12]

The Board shall post the complete Code of Conduct (with all amendments and annual updates) to the policy manual webpage. The Board's designee, the Superintendent, shall provide copies of a summary of the Code of Conduct to all students at a general assembly held at the beginning of the school year; shall make copies of the *Code* available to persons in parental relation to students at the beginning of each school year; shall mail a plain language summary of such *Code* to all persons in parental relation to students before the beginning of each school year, and make it available thereafter upon request; shall provide ~~each new teacher~~ District staff with a complete digital or hard copy of the *Code* and make complete copies available for review by students, parents, District staff and community members; and shall take reasonable steps to ensure community awareness of the *Code* provisions.
~~The District shall post a summary of the *Code of Conduct* on the District website and other applications available to parents when possible; provide a summary of the *Code of Conduct* to all parents before the beginning of each school year and make copies available thereafter; provide each new teacher with a complete digital or hard copy of the *Code*; and make complete copies available for review by students, parents, District staff and community members. The District shall file a copy of the *Code of Conduct* and any amendments with the Commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after adoption.~~

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Promulgation of Administrative Regulations

Consistent with the policy guidelines set forth above, the Superintendent of Schools is authorized to promulgate, revise, maintain and enforce throughout the District administrative guidelines and regulations consistent with constitutional requirements that address particular issues of administration, interpretation and enforcement of any section of this policy.

Resolving Incompatibility with Other Policies or Regulations

If any policy or administrative regulation of this District, at any time, is in whole or in part inconsistent or incompatible with this policy or with the administrative regulations authorized herein, the inconsistent or incompatible portion of such policy or regulation shall be deemed to be superseded by the *Code of Conduct*; provided, however, that to the extent that the provisions or purposes of such policy or regulation are not

[12] Ref.: Education Law §2801(4)(5); 8 NYCRR 100.2(1)(iii)

incompatible, or can be enforced without reference to the incompatible portion, then such provisions and purposes shall be deemed to continue in full force and effect.

Severability

If any provision of this *Code* or the application of any provision to any person(s) or circumstance(s) is held to be unconstitutional or otherwise unenforceable by any Court, by legislative enactment or amendment or by any Opinion of the Commissioner of Education, it is the intent of the Board of Education that such a ruling shall in no way affect or impair any other provision of this *Code* or the application of any such provision upon any other person or circumstance.

IMPLEMENTATION AND MONITORING

The Board directs the Superintendent to develop and implement a system-wide code of conduct implementation plan that operationalizes this policy 1400 and establishes metrics to determine measurable improvements for all RCSD students and staff related to safe, supportive, and joyful environments for teaching and learning. The Superintendent shall annually report progress on the code of conduct implementation plan and its outcomes, which will be shared with the Board and Code of Conduct Committee.

Cross-ref:
District Policy Prohibiting Discrimination or Harassment of Students or Employees (0100)
Reporting Complaints of Discrimination or Harassment (0100-R)
Student Harassment and Bullying Prevention and Intervention Policy (0115)
Community Relations Goals (1000)
Community Involvement (1200)
Visitors to Schools (1240)
Mini Code of Conduct (1400-E1)
Appendix C – Due Process (1400-E2)
Threat Assessment (1400-R)
Re-Entry to School After Suspension (1400-R2)
Public Use of School Facilities (1500)
Public Conduct on School Property (1520)
Smoking, Vaping and Other Tobacco Use on School Premises (1530)
Acceptable Use of District Network (1950)
Electioneering in Schools (2120.1)
Instructional Goals (4000)
Students with Disabilities (4202)

Timeout and Physical Restraint (Crisis De-escalation) (4321.12)~~Civic Education (4311.2)~~
Internet policy (4526)
Student Policies Goals (5000)
Student Attendance and Withdrawal Policy (5100)
Student Publications (5220)
Eligibility for Extracurricular Activities (5305)
Drug Free Schools (5312.1a)
Access to Education, Student Privacy, Law and Immigration Enforcement (5600)
Access to Education, Student Privacy, Law and Immigration Enforcement (5600-R)
Capital Planning for Shared Building Use (7050)
Health & Safety (8100)
Safe Schools (8135)
Video Cameras on School Buses (8414.4)
Drug-Free Workplace (9320)

Commented [CT1]: Policy was rescinded.

NYSSBA Ref: Code of Conduct (5300) – Required Policy

Student Rights and Responsibilities (5300.15) – Recommended Policy
Dress Code (5300.25) – Recommended Policy
Student Conduct (5300.30) – Recommended Policy
Discipline of Students (generally) (5300.40) – Recommended Policy
Discipline of Students with Disabilities (5300.50) – Recommended Policy
Searches and Interrogations (5300.60) – Recommended Policy
Visitors to the Schools (5300.65) – Recommended Policy

Ref: Education Law §§10-18 (Dignity for All Students Act)
Education Law §13[3]
Education Law §310
Education Law §2801
Education Law §2802 (Uniform Violent Incident Reporting System)
Education Law §3214
U.S. Constitution
U.S. Department of Homeland Security
8 NYCRR19.5(a)-(c); 100.2(l); 100.2(l)(2)(ii)(o); 100.2(1)(iii); 100.2(l)(3)(i); 100.2 (u); 100.2(gg)
8 NYCRR §185.15 (Appendix L) (Retention and Disposition Schedule LGS-1 for New York Local Government Records)
8 NYCRR 201, et. seq
8 NYCRR Part 275
18 USC 921 of the Federal Code
Article 130 of the Penal Law
P.L. 108-446 "Individuals with Disabilities Education Improvement Act of 2004"
Gun-Free Schools Act, 18 USC §§3351, 8921, 8922, 921
RCSD Staff Handbook
Glossary of Terms for the School Safety and Educational Climate (SSEC) Reporting System
https://www.nyssba.org/news/2025/01/10/on-board-online-january-13-2025/commissoner-pre-k-students-should-not-be-suspended/

Notes: Adopted August 16, 2001 pursuant to Resolution No. 2001-02: 184; Amended May 20, 2002 pursuant to Resolution No. 2002-03: 845; Amended July 17, 2003 pursuant to Resolution No. 2003-04: 64; Amended July 15, 2004 pursuant to Resolution No. 2004-05: 92; Amended August 18, 2005 pursuant to Resolution No. 2005-06: 179; Amended June 15, 2006 pursuant to Resolution No. 2005-06: 882; Amended August 16, 2007 pursuant to Resolution No. 2007-08: 148; Amended October 23, 2008 pursuant to Resolution No. 2008-09: 365; Amended November 19, 2009 pursuant to Resolution No. 2009-10: 340; Amended February 16, 2012 pursuant to Resolution No. 2011-12: 558; Amended June 28, 2012 pursuant to Resolution No. 2011-12: 851; Amended November 15, 2012 pursuant to Resolution No. 2012-13: 324; Amended July 29, 2013 pursuant to Resolution No. 2013-14: 81; Amended June 16, 2016 pursuant to Resolution No. 2015-16: 856; Amended June 24, 2021 pursuant to Resolution No. 932; Amended June 29, 2023 and September 5, 2023 pursuant to Resolution No. 2022-23: 917a; Amended June 20, 2024 pursuant to Resolution No. 2023-24: 963; Amended June 26, 2025 pursuant to Resolution No. 2024-25: 887

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APPENDIX A

Dress Code

DRESS CODE

Rationale
A dress code and its implementation impact both the constitutional rights of students and the responsibilities of school officials to maintain an environment conducive to learning. As such, the purpose of this dress code is to strike a positive balance between a student's right to free expression and the educational mission of the district.

Students and their parents have the primary responsibility for acceptable student dress and appearance. Teachers and all other District staff should, at a minimum, adhere to the dress code, as well as exemplify acceptable dress and help students develop an understanding of appropriate appearance in the school setting.

Clothing, accessories or appearance that run contrary to the district's educational mission, cause a material or substantial disruption of the educational process, or infringe upon the rights or safety of others, can be regulated.

It is important to note that mere dislike or offense is not sufficient grounds to restrict speech or expression, including dress or appearance. All such restrictions must stem from something greater than personal preference, beliefs or taste. This means that to be lawfully regulated, the attire or garb must truly be a substantial or material interruption, infringe upon the legitimate rights or safety of others, or be contrary to the school's educational mission.

This dress code applies to both students and adults any time they are on District property, including the school buildings and Central Office, and whenever they are attending any school function, wherever located.

Standards: (including those established in individual schools) will be applied equally to students of all race, age, genders, gender expression, orientation or gender identity

When on school property or at a school function, a person's dress and appearance, including jewelry, make-up and nails, must:

1. Cover buttocks, waist and chest.
2. Not include clothing, headgear or jewelry that is associated with or identifiable as a symbol of gang membership.
3. Be void of abusive, suggestive or profane language; symbols of illegal substances; or any other words, symbols or slogans that disrupt the learning environment or deny dignity or respect to others.
4. Include shoes, which are to be worn at all times for health and safety reasons.

Guidelines for Further Standards

In addition to the standards above, schools may prescribe reasonable school-level dress standards provided that such standards are rationally related to legitimate objectives, are sufficiently narrowly tailored, are content-neutral, do not unlawfully infringe upon student's constitutional rights related to speech, liberty, religion or other fundamental right, apply equally to all members of the school community and have been developed in conjunction with students, parents, teachers and other staff and members of the school community. Reasonable exceptions shall be made for students who have medical needs if it conflicts with the school's dress code policy. This collaborative development of school-level dress standards is an opportunity for the school community to discuss issues related to dress and appearance, such as culture, religious identity, sex, gender, gender identity and expression, dignity and respect.

School-level dress standards should be justified by a legitimate concern for health or safety or other material or substantial disruption, promote dignity, respect and cultural and religious sensitivity and keep teachers and students focused on teaching and learning, not policing dress.

Any dress standards that a school develops need to be approved by the Superintendent, be published and communicated to the school community and be consistent with the provisions of this *Code of Conduct*.

Dress Code Violations

Violations of the dress code should be considered opportunities or "teachable moments" to discuss issues regarding dress and appearance, such as culture, religious identity, sex, gender, gender identity and expression, dignity and respect.

Students who violate the dress code, including school-level standards, will be required to modify their appearance by covering or removing the offending item, and if necessary and/or practicable, replacing it with an acceptable item. Any student who refuses to do so shall be subject to a Level 1 or Level 2 response. Students should not be suspended or otherwise removed from their educational program because of a dress code violation.

Data Collection and Reporting

As noted elsewhere in this *Code of Conduct*, schools shall collect and submit the following data elements as part of their semi-annual reports to the District and Board:

1. Dress code violations resulting in a Level 1 or Level 2 response.
2. Suspensions resulting from escalations of conflict relating to dress code violations.

APPENDIX B

Restorative Approaches

RESTORATIVE APPROACHES

Restorative approaches are an integral component of progressive discipline and the direction in which the District is committed to proceed. Restorative approaches originate from indigenous practices that reflect our shared humanity and commonality. Used proactively, they build positive vibrant culture. In the context of justice, restorative approaches use the foundations of relationships and interconnectedness to repair harm and reestablish harmony.

A restorative approach can be used as both a prevention and intervention measure. Restorative processes can help schools build relationships and empower community members to take responsibility for the well-being of others; prevent or deal with conflict before it escalates; address underlying factors that lead youth to engage in inappropriate behavior and build resiliency; increase the skills of those who have harmed others; and provide wrong doers with the opportunity to be accountable to those they have harmed and enable them to repair the harm to the extent possible.

When used as an intervention measure, taking a restorative approach to discipline changes the fundamental questions that are asked when a behavioral incident occurs. Instead of asking who is to blame and how those engaged in the misbehavior will be punished, a restorative approach asks four key questions:

1. What happened?
2. Who was harmed or affected by the behavior?
3. What needs to be done to make things right?
4. How can people behave differently in the future?

All parties are encouraged to take responsibility for their part in the occurrence that led to intervention.

Types of Restorative Practices

Circle Process: Circles are effective as both a prevention and intervention strategy. Circles may be used as a

regular practice in which a group of students (or faculty, or students and faculty) participates. A circle can also be used in response to a particular issue that affects the school. The circle process enables a group to build relationships and establish understanding and trust, create a sense of community, learn how to make decisions together, develop agreements for the mutual good, resolve difficult issues, etc.

Collaborative Negotiation: Using the collaborative negotiation process enables an individual to talk through an issue or conflict directly with the person with whom they disagree to arrive at a mutually satisfactory resolution. Training in collaborative negotiation includes learning active listening and other conflict resolution communication skills.

Peer Mediation: An impartial, third party mediator (in a school, a student who has been trained to serve as a peer mediator) facilitates the negotiation process between conflicting parties so they can come to a mutually satisfactory resolution. Mediation recognizes that there is validity to conflicting points of view that disputants bring to the table and helps disputants work out a solution that meets both sets of needs. Disputants must choose to use mediation and must come to the process willingly. Mediation is not used where one individual has been victimized (for example, in cases of harassment or bullying) by another.

Formal Restorative Conference: A conference is facilitated by an individual who has received specific training in bringing together individuals who have acknowledged causing harm with those who have been harmed. Regardless of the circumstances, the mental, physical health, safety, and welfare of the individual who was harmed is of paramount importance when considering this option in a school setting. Both sides may bring supporters to the circle that have also been affected by the incident. The purpose of the conference is for the harm doer and the harmed to understand each other's perspectives and come to a mutual agreement which will repair the harm as much as it is able to be repaired.

For other resources with restorative practices, refer to the District's RocRestorative page at https://www.rcsdk12.org/rocrestorative and/or team.

APPENDIX C

Due Process

DUE PROCESS PROTECTIONS

If a parent believes a removal or other disciplinary action was not in compliance with the Code of Conduct, they may reach out to the Office of the School Chiefs. If a parent disagrees with a short-term suspension, long-term suspension or expulsion, they may refer to that section of this appendix for guidance on the appeal process.

Referral for Disciplinary Action

If school staff believe that a student's conduct warrants a disciplinary intervention, staff should complete a referral for disciplinary action to trigger an investigation of the incident. The purpose for a referral is to track and document the facts and interventions used by staff in order to ascertain the best course of action when a serious infraction occurs that necessitates the removal of a student from the class. However, written referrals shall not be used to document supports offered to students within the classroom (i.e., timeouts and other informal measures).

When the student is removed from a classroom for consideration of short-term in-school or out- of-school suspension or long-term suspension, the teacher must provide a referral form to accompany the student. This referral must be filled out prior to the Principal making a decision and at the earliest convenience of the teacher when they have been able to ensure that their classroom is in order.

The form filled out by the teacher shall be a district-wide standardized form that will include the teacher's methods of positive intervention approaches already implemented.

The referrals will be input into a digital system. A computerized program should be able to provide a cumulative report that will be able to track the number of referrals per teacher in regular intervals. Administrators will have a meeting with teachers with high numbers of referrals or with high rates of disparities among student subgroups (i.e., race, ethnicity, disability status, etc.) in order to provide additional supports and uncover challenges.

The information gathered from the tracking process will be used to inform teachers and administrators with respect to students and staff who are in need of support, as well as to inform teachers and administrators as to the effectiveness of strategies and supports that have been implemented.

Investigative Procedures for School Discipline

It is the responsibility of the Principal or their designee to take the following investigative steps before a decision is made:

1. Question the victim and any other witnesses to the incident and, when possible, obtain their signed written statements.
2. Investigative procedures must seek to understand the entire event including precipitating factors.
3. Review and retain or a reasonable time any documentary, photographic, or video evidence.
4. Whenever practicable, inform the accused student of the misconduct of which they are being accused and provide the accused student with an explanation of the evidence.
5. Whenever practicable, provide the accused student an opportunity to present their side of the event and identify witnesses.
6. In circumstances where the student has been arrested, the student must be advised that any statement made by the student may be used against the student in a court of law, and the student's parent should be notified immediately.

Classroom Removal

Notice Requirement:

Schools must provide the following notice to parents when a student is removed from the classroom:

1. All reasonable efforts must be made to notify the parent of the classroom removal and must be done by telephone, email, or other electronic means on the same day as the classroom removal;
2. Written notice will be provided within 24 hours from the classroom removal provided that if such 24 hour period does not end on a school day, it shall be extended to the corresponding time on the next school day;
3. Written notice will be in writing in the parent's native language if practicable; and will include a description of the incident, length of the classroom removal, and a statement that parents can request a conference to discuss the removal; and
4. The school will maintain a record of all classroom removals provided that such record shall not constitute part of the student's cumulative file.

Conference Request[13]:

At the parent's or student's request, the teacher and/or a school administrator will have a conference with the parent and/or student.

1. The school shall schedule the conference to occur within 48 hours of the parent's or student's request, provided that if such 48 hour period does not end on a school day, it shall be extended to the corresponding time on the second school day next following the pupil's removal, unless the parent or student agrees to a later date; and
2. Actual notice of the conference date shall be provided to the parent and the student.

Short-Term In School or Out of School Suspension[14]

Short-term suspensions are an extreme disciplinary measure to be used for behavior that cannot be dealt with using standard positive interventions. Short-term suspensions shall not take effect until a preliminary interview, notice and conference occur, except when a student's presence in school poses an ongoing danger to persons or property or an ongoing threat to the academic process, the student may be suspended prior to the informal conference provided the conference occurs within 2 school days of the start of the suspension. The aforesaid notice and opportunity for an informal conference shall take place prior to suspension of a student unless the student's presence in the school poses a continuing danger to persons or property or an ongoing threat of disruption to the

[13] Ref: Education Law §3214(3-a)
[14] Ref: Education Law §3214(3)(b)

academic process, in which case the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

1. Preliminary Interviews: Where it is suspected that a student has engaged in conduct for which a suspension may be warranted, it is the responsibility of the Principal or their designee to take the required investigative steps and make a determination of possible discipline, including short term suspension, if warranted under the circumstances. The Principal or acting Principal shall take into account all of the factors listed in the section entitled, "Levels of Intervention & Disciplinary Responses" when making a preliminary recommendation about a disciplinary action.

2. Notice to Parent:
    a. Principal (or designee) shall make every effort to reach the parent by telephone, email, or other electronic means to inform the parent of the student's referral for a suspension on the same day as the determination to seek a suspension;

    b. Written notice will be delivered to the parent within one school day from the determination to seek a suspension;

    c. Written notice will be in the parent's dominant language whenever practicable. If not practicable, all reasonable steps shall be taken to provide oral translation to the parent or legal guardian;

    d. That notice shall be on an approved RCSD form and contain the following:

        i. a description of the incident, including the section of the *Code of Conduct* the student allegedly violated;
        ii. length of the possible suspension;
        iii. a statement explaining the standard positive interventions and practices used, or if none was used, why this is the case, and explaining why the use of alternative exclusionary discipline may be justified under the circumstances;
        iv. a statement informing the parent of their right to request an informal conference with the Principal;
        v. a statement of the student's and parent's rights written in plain language, including the right to question a complaining witness, to obtain school records, to bring an attorney or advocate, the right to interpretation of the conference by a qualified interpreter or someone of the parent's choosing and the right to appeal;
        vi. a statement of the means by which the student will be provided alternative instruction during the period of suspension;
        vii. a statement that if the child has been arrested or if a criminal investigation is pending, any statement, written or oral, can be used against the student in a court of law;
        viii. a list of free and low-cost attorneys and advocates in the area; and
        ix. the procedures for appealing the disciplinary decision.

3. Informal Conference:

    a. The informal conference is an opportunity to assess the facts surrounding the incident for which a suspension is possible, to determine whether a suspension is justified, to collaboratively devise satisfactory solutions for the student's return to their program and prevent further disruption of the student's education.

    b. The informal conference shall be scheduled as soon as possible, but no later than five school days from the date of the written notice unless the delay is at the parent's request.

c. Informal Conference Provisions:

i. The student and parent have the right to call witnesses and present documentary evidence, including audio and video recordings and to question a witness with firsthand knowledge of the incident.
ii. The student and parent may be represented by an attorney or an advocate.
iii. Upon request of the parent or student, the school shall provide interpretation services in their dominant language(s).
iv. The student and parent have the right to receive a written decision within one school day of the conference.
v. If the Principal determines short-term suspension is warranted, the written decision shall include the length of suspension, and procedures for appealing the decision, including the date by which the appeal must be submitted.

4. Appeal of Short-Term Suspension Decision:

a. Students and parents can appeal a short-term suspension to the New York State Commissioner of Education.
b. Any appeal must be filed within 30 days of the decision following the suspension conference.

5. Exception for emergencies: If a student's presence in school poses an ongoing danger to persons or property or an ongoing threat of disruption to the academic process, a student may be removed immediately and the informal conference shall follow as soon after the student's removal as practicable, but in no case more than 48 hours after the removal. If immediate emergency removal from school is necessary, the school shall immediately notify the parent to determine the best way to transfer custody of the student to the parent.

Long-Term Suspension (LTS) and Expulsion[15]

Long-term suspension and expulsion are extreme disciplinary alternatives to be used for behavior that cannot be resolved appropriately using standard positive interventions, a classroom removal, or a short-term suspension. Long-term suspensions and expulsions shall not take effect until an investigation, notice and a hearing occur in accordance with the following:

1. Investigation: When a student engages in conduct for which a long-term suspension or expulsion may be warranted, the Principal or their designee must investigate consistent with the requirements in #1 of short-term in-school or out-of-school suspension, above. The Principal shall take into account all of the factors identified under Levels of Intervention and Disciplinary Responses when making a preliminary recommendation about a disciplinary action. If the Principal determines that an LTS referral is appropriate, they shall inform the student of the referral for LTS and the reason for the referral.

2. Notice to Parent:

Schools must provide the following notice when a long-term suspension or expulsion is proposed:

a. Principal (or designee) shall make every effort to reach the parent by telephone, email, or other electronic means to inform the parent of the student's referral for a suspension on the same day as

[15] Ref.: Education Law §3214(c)
Education Law §310
8 NYCRR Part 275

the determination to seek a suspension;

b. Written notice will be delivered to the parent within one school day from the determination to seek a suspension or expulsion;

c. Written notice will be in the parent's dominant language if practicable;

d. That notice shall contain the following:

i. a description of the incident including the section of the *Code of Conduct* the student allegedly violated;

ii. length of the proposed suspension;

iii. a statement explaining the standard positive interventions and practices used, or if none was used, why this is the case, and explaining why the use of alternative exclusionary discipline may be justified under the circumstances;

iv. a statement of the student's and parent's rights written in plain language, including the right to fair hearing, the right to question the district's witnesses and to present testimony and other evidence on behalf of the student, to obtain school records, to bring an attorney or advocate to the hearing, the right to interpretation of the hearing by a qualified interpreter or someone of the parent's choosing, and the right to appeal;

v. a description of the alternative education that will be provided to the student until such time as a determination has been made with respect to whether or not the student is guilty of the charge, and any applicable penalty has been imposed.

e. The Long-Term Suspension Hearing Office shall send notice to the parent that includes:

i. a date, time and location for a fact-finding hearing;

ii. a statement that if the child has been arrested or if a criminal investigation is pending, that any statement, written or oral, can be used against the student in a court of law;

iii. a list of free and low-cost attorneys and advocates in the area; and the procedures for appealing the disciplinary decision.

3. Hearing:

a. The hearing is an opportunity for an impartial and neutral hearing officer to determine if the school can meet its burden of proof to sustain the charge(s), and if the proposed suspension or expulsion is appropriate.

b. The hearing shall occur within five school days of the date of suspension, unless the parent requests a later date. If the hearing occurs after the fifth day following the suspension without the parent consenting to the delay, the student shall be returned to their regular program until such time as the hearing is held and the Superintendent or their designee has made a decision regarding the charge(s).

c. **Hearing Provisions:**

i. Hearings shall be conducted by a neutral and impartial hearing officer. Upon appointment,

all hearing officers are authorized to administer oaths and issue subpoenas in conjunction with the proceedings before them.

ii. The school must prove the alleged student behavior by competent and substantial evidence.

iii. School cannot rely exclusively on hearsay evidence to meet its burden of proof.

iv. Students and parents have the right to call witnesses and present documentary evidence including, but not limited to, witness statements, incident reports, and audio and video recordings; and to question persons with information related to the incident.

v. Students and parents have the right to request and, upon request, the District must require, the presence and testimony of witnesses who are school staff.

vi. Students and parents have the right to request the presence and testimony of witnesses who are safety or law enforcement staff on campus, and the school shall take all reasonable steps to ensure their presence.

vii. Students and parents have the right to request the presence and testimony of other students or witnesses to the event, and the school shall take all reasonable steps to ensure their presence.

viii. Students and parents have the right to representation by an attorney or an advocate.

ix. The hearing officer shall consider only the evidence presented at the hearing and shall make findings of fact and recommendations to the Superintendent or their designee as to the appropriate measure of discipline. The proposed suspension or expulsion may be dismissed, reduced, or upheld.

x. The hearing officer must dismiss the proposed suspension if they determine:

1) The suspension was imposed for a behavior for which suspension is prohibited under the *Code of Conduct*.

2) The school did not present sufficient evidence to meet its burden of proof.

3) The suspension was not appropriate, considering the factors listed in this *Code*.

xi. The hearing officer or superintendent's designee may dismiss or reduce the proposed suspension if they determine:

1) The school did not impose graduated and proportionate discipline, unless the conduct that resulted in the suspension was sufficiently serious that graduated discipline would not have been appropriate.

2) The suspension was not appropriate given the facts as presented at the hearing.

3) The school did not follow the due process procedures in this subsection.

xii. Upon request of the parent or student, the school shall provide interpretation services in the parent's native language.

xiii. Students and parents have the right to receive written notification of the determination of guilt or lack thereof and penalty, if guilt is determined. If the Superintendent or their designee determines a long-term suspension or expulsion is warranted, the written decision shall include the length of suspension, the conduct for which the student has been found guilty, and procedures for appealing the decision, including the date by which the appeal must be submitted.

xiv. The written decision shall be sent to the student/parent within three school days after the Superintendent's designee receives the penalty determination.

xv. An accurate and complete record of the hearing shall be maintained by the school, but no stenographic record shall be required and an audio or video recording shall be deemed a satisfactory record. Students and parents shall have a right to request and receive this record at no cost.

4. Appeal Provisions:

a. Parents or students can appeal the decision to suspend within 30 school days from the date the parent receives the Superintendent's suspension determination letter;

b. A written decision on appeal, including the rationale for the decision, will be issued within 30 school days of the filing of the appeal;

c. The appeal will consider whether the record demonstrates that the student's rights were violated during the investigation, hearing, or appeal process;

d. The decision on appeal must be based solely on the hearing record;

e. The suspension or expulsion can be upheld, overturned or reduced; and

f. The Board of Education <u>must</u> overturn the suspension if it determines:

   i. The record does not contain sufficient evidence to support the finding.
   ii. The suspension was imposed for a behavior for which suspension is prohibited in the school's *Code of Conduct*.
   iii. The record demonstrates that the school did not follow the due process procedures in this subsection.
   iv. The suspension was not appropriate considering the factors listed under the Levels of Intervention and Disciplinary Responses.

g. The Board of Education <u>may</u> overturn or reduce the suspension if it determines:

   i. The school did not impose graduated and proportionate discipline, unless the conduct which resulted in the suspension was sufficiently serious that graduated discipline would not have been appropriate.
   ii. The suspension was not appropriate given the facts as presented at the hearing.

h. If the family disagrees with the Board's decision, an appeal may be submitted to the New York State Commissioner of Education within 30 days of the Board's decision.

1. Investigation: When a student engages in conduct for which a long-term suspension or expulsion may have been warranted at their previous District, the Superintendent or their designee must request the suspension referral from previous District. The Superintendent or their designee will investigate the long-term suspension by reviewing the previous District's records of the incident. The Superintendent or their designee shall take into account all of the factors identified under Levels of Intervention and Disciplinary Responses when determining a disciplinary action. The Superintendent will make the decision to overturn or uphold the previous District's long-term suspension within 5 school days of the student's enrollment.

2. Notice to Parent:

   The District must provide the following notice when the previous District's long-term suspension or expulsion is being proposed to be upheld:

   a. Superintendent (or designee) shall make every effort to reach the parent by telephone, email, or other electronic means to inform the parent of the student's referral for a suspension on the same day as the determination to uphold the previous District's suspension;

   b. Written notice will be delivered to the parent within one school day from the determination to seek a suspension or expulsion;

   c. Written notice will be in the parent's dominant language if practicable;

   d. That notice shall contain the following:

      i. a description of the incident including the section of the *Code of Conduct* the student allegedly violated;

      ii. length of the proposed suspension;

      iii. a statement of the student's and parent's rights written in plain language, including the right to fair hearing, and to present testimony and other evidence on behalf of the student, to obtain school records, to bring an attorney or advocate to the hearing, the right to interpretation of the hearing by a qualified interpreter or someone of the parent's choosing, and the right to appeal;

      iv. a description of the alternative education that will be provided to the student until such time as a determination has been made with respect to whether or not the student is guilty of the charge, and any applicable penalty has been imposed.

   e. The Long-Term Suspension Hearing Office shall send notice to the parent that includes:

      i. a date, time and location for a fact-finding hearing;

      ii. a statement that if the child has been arrested or if a criminal investigation is pending, that any statement, written or oral, can be used against the student in a court of law;

[16] Ref.: Education Law §3214(c)
Education Law §310
8 NYCRR Part 275

iii. a list of free and low-cost attorneys and advocates in the area; and the procedures for appealing the disciplinary decision.

3. Hearing:

a. The hearing is an opportunity for an impartial and neutral hearing officer to determine if the school can meet its burden of proof to sustain the charge(s), and if the proposed suspension or expulsion is appropriate.

b. The hearing shall occur within five school days of the date of the Superintendent's decision unless the parent requests a later date. If the hearing occurs after the fifth day following the suspension without the parent consenting to the delay, the student shall be returned to their regular program until such time as the hearing is held and the Superintendent or their designee has made a decision regarding the charge(s).

c. **Hearing Provisions:**

i. Hearings shall be conducted by a neutral and impartial hearing officer. Upon appointment, all hearing officers are authorized to administer oaths and issue subpoenas in conjunction with the proceedings before them.

ii. The previous District's evidence, if any, received must be reviewed during the hearing to prove the alleged student behavior by competent and substantial evidence.

iii. The Hearing Officer cannot rely exclusively on the previous District's decision to suspend the student to meet their burden of proof.

iv. Students and parents have the right to call witnesses and present documentary evidence including, but not limited to, witness statements, incident reports, and audio and video recordings; and to question persons with information related to the incident.

v. Students and parents have the right to representation by an attorney or an advocate.

vi. The Hearing Officer shall consider only the evidence presented at the hearing and shall make findings of fact and recommendations to the Superintendent or their designee as to the appropriate measure of discipline. The proposed suspension or expulsion may be dismissed, reduced, or upheld.

vii. The Hearing Officer must dismiss the proposed suspension if they determine:

1) The suspension was imposed for a behavior for which suspension is prohibited under the *Code of Conduct*.

2) The previous District did not present sufficient evidence to meet its burden of proof, including lack of paperwork beyond the description of the incident.

3) The suspension was not appropriate, considering the factors listed in this *Code*.

viii. The Hearing Officer or Superintendent's designee may dismiss or reduce the proposed suspension if they determine:

1) The previous District did not impose graduated and proportionate discipline, unless the conduct that resulted in the suspension was sufficiently serious that graduated

discipline would not have been appropriate.

2) The student suspension length given by the previous District is excessive or does not align with the *Code of Conduct.*

3) The suspension was not appropriate given the facts as presented at the hearing.

ix. Upon request of the parent or student, the District shall provide interpretation services in the parent's native language.

x. Students and parents have the right to receive written notification of the determination of guilt or lack thereof and penalty, if guilt is determined. If the Superintendent or their designee determines a long-term suspension or expulsion is warranted, the written decision shall include the length of suspension, the conduct for which the student has been found guilty, and procedures for appealing the decision, including the date by which the appeal must be submitted.

xi. The written decision shall be sent to the student/parent within three school days after the Superintendent's designee receives the penalty determination.

xii. An accurate and complete record of the hearing shall be maintained by the school the student will attend, but no stenographic record shall be required and an audio or video recording shall be deemed a satisfactory record. Students and parents shall have a right to request and receive this record at no cost.

4. Appeal Provisions:

a. Parents or students can appeal the decision to suspend within 30 school days from the date the parent receives the Superintendent's suspension determination letter;

b. A written decision on appeal, including the rationale for the decision, will be issued within 30 school days of the filing of the appeal;

c. The appeal will consider whether the record demonstrates that the student's rights were violated during the investigation, hearing, or appeal process;

d. The decision on appeal must be based solely on the hearing record;

e. The suspension or expulsion can be upheld, overturned or reduced; and

f. The Board of Education <u>must</u> overturn the suspension if it determines:

i. The record does not contain sufficient evidence to support the finding.
ii. The suspension was imposed for a behavior for which suspension is prohibited in the school's *Code of Conduct*.
iii. The record demonstrates that the school did not follow the due process procedures in this subsection.
iv. The suspension was not appropriate considering the factors listed under the Levels of Intervention and Disciplinary Responses.

g. The Board of Education <u>may</u> overturn or reduce the suspension if it determines:

i. The school did not impose graduated and proportionate discipline, unless the conduct which resulted in the suspension was sufficiently serious that graduated discipline would not have been appropriate.

ii. The suspension was not appropriate given the facts as presented at the hearing.

h. If the family disagrees with the Board's decision, an appeal may be submitted to the New York State Commissioner of Education within 30 days of the Board's decision.

Access to Schools

Except in cases of emergency, if a Principal desire to restrict a family member's access to the school, the Principal's supervisor must first authorize such action. The Principal must specify in writing to the restricted family member the explanation for restriction, duration and conditions of any restriction (i.e., must make advance appointment or be escorted within the building).

APPENDIX D[17]

Students with Disabilities

The Board of Education is committed to a policy of inclusion of students with disabilities within the full range of programs offered to students of the District and, to the fullest extent consistent with the specific needs of individuals as provided for by law. To every extent practicable, and according to individual student need, students with disabilities shall be educated with their non disabled peers.

The Board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior.

This *Code of Conduct* affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state requirements, namely, the Individuals with Disabilities Education Act (IDEA) and the Commissioner's Regulation including Part 201 (Procedural Safeguards for Students with Disabilities), referenced below. The Board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

When a removal from instruction will result in the student accumulating more than ten school days of removals within the school year, or a single removal will result in more than ten school days outside of the student's regular program (disciplinary change in placement), a parent and District special education official shall review the student's file to determine whether the conduct was caused by or had a direct and substantial relationship to the student's *educational* disability, or was the direct result of the District's failure to implement the IEP (a Manifestation Determination Review, or "MDR"). An MDR must be conducted for any student with an Individualized Education Program (IEP) or 504 Plan who is subject to a disciplinary change of placement. If a student does not have an IEP or 504 Plan, but is presumed to be a student with a disability under specific

[17] Cross-ref: Students with Disabilities (4202)
Ref.: P.L. 108-446 "Individuals with Disabilities Education Improvement Act of 2004"
Education Law §3214(3)(g)
8 NYCRR 201, *et. seq*

criteria set forth in the IDEA, the student is entitled to the same due process protections as a student with an IEP who is subject to disciplinary removal.

The MDR will be held separately following the suspension hearing, and within ten (10) days of the disciplinary decision that resulted in a change of placement. The MDR team shall consist of members of the Committee on Special Education (CSE), including the Parent. If the child's conduct is determined to be a manifestation of their disability the IEP team must: (1) conduct a functional behavioral assessment and implement a behavioral intervention plan, if the LEA has not done so; or (2) review an existing behavioral intervention plan and modify it to address the behavior; and (3) except in cases involving weapons, drugs, or infliction of serious bodily injury, return the child to the placement from which the child was removed, unless the parent and Local Education Agency (LEA) agree to a change of placement as part of the modification of the behavioral intervention plan. .

IDEA 2004 authorizes schools, upon determining that the violation was not a manifestation of the child's disability, to apply the same disciplinary procedures as for a child without a disability, provided that FAPE requirements are met, with the option of providing such FAPE in an interim alternative educational setting if agreed upon between the District and the Parent. When the student's behavior involves serious bodily injury, weapons, illegal drugs or controlled substances (as defined in criminal code and as distinguished in this Code of Conduct), the student may be disciplined in accordance with Part 201.7(e) of the Commissioner's Regulations.

Students with disabilities who are suspended for not more than ten school days shall be afforded the same rights as their non-disabled peers. In all instances, the District shall consider any unique circumstances on a case by case basis when determining whether to order a disciplinary change for a student with a disability who violated this Code of Conduct.

In the event of any change or amendment to such federal and state law and regulations, or to any order of a court of competent jurisdiction impacting District students with disabilities, the Superintendent is authorized to issue regulations designed to maintain coordination of our program with such legal requirements.

APPENDIX E

Law Enforcement

ROLES OF LAW ENFORCEMENT AND CRIMINAL INVESTIGATIONS

The Board of Education acknowledges the role of law enforcement in contributing to safe and secure schools. Law enforcement presence for arrest or detention of a student is subject to Board Policy 5600 and Regulation 5600-R.

School District and School Administrators

1. The school principal, or designee, will immediately contact the parent/guardian when law enforcement seeks to question or search a student as part of a criminal investigation. If the parent/guardian cannot be reached, or the parent refuses to consent to the search or questioning, the questioning or search of the student cannot be conducted, unless the student is at least 18 years of age or there is an imminent threat to safety. Whenever possible, the parent/guardian (or the Principal or designee, if the parent/guardian is unavailable) will be present during any law enforcement questioning or search of a student on school property or at a school function.

2. To the extent practicable, the school principal, or designee, will notify the law enforcement officials involved in an arrest or criminal investigation if a student requires special accommodations of which the District is aware (i.e., medical assistance, medication, disability, language interpretation).

Law Enforcement Involvement in Searches and Interviews of Students

District officials will cooperate with law enforcement authorities in order to maintain a safe school environment. Law enforcement officials have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with criminal investigations. Law enforcement officials may enter school property or a school function to question or search a student or to conduct a criminal investigation involving students only if they have:

1. A search or an arrest warrant, which the Principal should confirm with the Department of Law;

2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Responding to an incident and/or emergency reported by the school.

If a law enforcement official seeks to question or search a student on school property in the context of an official criminal investigation, the Principal or designee shall first notify the student's parent/guardian to give the parent/guardian the opportunity to be present during the questioning or search. If the parent cannot be contacted, or the parent refuses to give consent for a search or questioning, the search or questioning will not be conducted, unless the student is at least 18 years of age. Whenever possible, the parent/guardian (or the Principal or designee, if the parent/guardian is unavailable) will be present during any law enforcement questioning or search of a student on school property or at a school function.

Students who are questioned by law enforcement officials on school property or at a school function will be afforded the same rights that they have outside of school. Even with the parent/guardian present, students of all ages have the right to remain silent and request their own attorney when being questioned by law enforcement, whether or not they are on school property.

Abuse/Neglect Investigations by Child Protective Services (CPS) and Law Enforcement

Consistent with the District's commitment to keep students safe from harm and the obligation of school officials to report to Child Protective Services (CPS) when they have reasonable cause to suspect that a student has been neglected, abused or maltreated, the District will provide data and assistance to local CPS workers or members of a multi-disciplinary team accompanying these workers who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation, as well as interviews with any child named as a victim in a report, a sibling of that child, or a child residing in the same home as the victim. School District administrators should not contact parents/guardians unless specifically advised to do so by CPS workers involved in the investigation.

All requests by CPS to interview a student on school property shall be made directly to the Principal or their designee. Child Protective Service workers and any associated multi-disciplinary team members must comply with the District's procedures for visitors, provide identification, and identify the child(ren) to be interviewed. All reasonable efforts should be made to assure that such interviews are conducted in a place that offers as much privacy and as few interruptions as is feasible, given the physical limitations of individual buildings.

The Principal or their designee shall decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or nurse, to observe the interview either from inside or outside the interview room. Anyone attending a CPS interview of a student is present solely to support the student emotionally and should not attempt to participate in or influence the interview.

A CPS worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if they were not removed from school before a court order can reasonably be obtained. If the CPS worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

District staff will contact the Department of Law for clarification on any questions related to the foregoing process.

APPENDIX F[18]

School Safety and Educational Climate (SSEC) Reporting

The Board of Education is committed to promoting and maintaining the safety of all students, staff, and visitors to the schools. The Board is also committed to maintaining a school environment that is free from harassment, bullying, and discrimination. Consistent with these commitments and in accordance with state law and regulation, the District will submit an annual report to the Commissioner of Education regarding violent and disruptive incidents and material incidents of harassment/bullying/discrimination, as part of the New York State Education Department's School Safety and Educational Climate (SSEC) Summary Data Collection. In addition, the Board will use this data to assess the safety and educational climate of its schools and, where appropriate, identify and take steps to improve the safety, security, and well-being of its students, staff, and visitors.

Reporting Requirement

Each Building Principal is responsible for documenting all the violent and disruptive incidents and material incidents of harassment, bullying, and discrimination, that have occurred on school grounds, at a school function, or at a school-sponsored event in PowerSchool. The Superintendent or designee is responsible for extracting incident entries from PowerSchool and compiling the reports into the annual report and submitting the report to the Commissioner. The summary report will contain all the information required by law and will be filed with the Commissioner on or before a date set by the Commissioner. The Superintendent will also present this summary report to the Board at its first meeting following the filing of the report with the Commissioner.

Additionally, Building Principals are required to provide a regular report on data and trends related to harassment, bullying, and/or discrimination to the Superintendent at least once during each school year.

The District is responsible for assuring that copies of each SSEC report, both individual and summary reports, are

[18] Cross-ref: Student Harassment and Bullying Prevention and Intervention Policy (0115)
Ref: Education Law §10-18 (Dignity for All Students Act)
Education Law §2802 (Uniform Violent Incident Reporting System)
8 NYCRR §100.2 (gg) (Uniform Violent Incident Reporting System)
8 NYCRR §185.15 (Appendix L) (Retention and Disposition Schedule LGS-1 for New York Local Government Records)

retained at the school until the youngest person involved in a reported incident is 27 years old. Individual incident report forms will not be kept in student cumulative folders nor sent to the next school or district that students attend.

Confidentiality

Any violent or disruptive incident or harassment, bullying, and discrimination report prepared in accordance with law will be available for inspection by the State Education Department upon request. All names and other personally identifiable information included in any report are confidential and must not be disclosed to any person for use by any person for purposes other than the reporting purposes in Education Law §2802, except as otherwise authorized by law.

Glossary of Terms for the School Safety and Educational Climate (SSEC) Reporting System[19]

1. Homicide: Any intentional violent conduct that results in the death of another person.

2. Sexual Offense: Any act committed by a person 10 years of age or older which would constitute a felony under Article 130 of the Penal Law, taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the person to the police for the act reported.

3. Assault: Any act committed by a person 10 years of age or older which would constitute a felony under Article 120 of the Penal Law, taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the person to the police for the act reported.

4. Weapons Possession: An act committed by a person 10 years of age or older which would constitute a felony under Article 265.00 of the Penal Law taking into consideration the developmental capacity of the person to form the intent to commit such act, and where the school has referred the person to the police for the act.

5. Material Incidents of Discrimination, Harassment and Bullying:
   a. *Material Incidents of Discrimination, Harassment and Bullying (Excluding Cyberbullying):* A single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying, and/or discrimination by a student and/or employee on school property or at a school function.(2) In addition, such term shall include a verified incident or series of related incidents of harassment or bullying that occur off school property, as defined in Commissioner's regulation §100.2(kk)(1)(viii). Such conduct shall include, but is not limited to, threats, intimidation or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.
   Commissioner's regulation 100.2(kk)(1)(viii) provides that harassment or bullying means the creation of a hostile environment by conduct or by threats, intimidation or abuse that either: (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse hat reasonably causes or would reasonably be expected to cause emotional harm; or (b) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety. Such definition shall include acts of harassment or bullying that occur on school property, at a school function, or off school property where such act creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. For the purposes of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.
   b. *Cyberbullying:* Is defined as harassment or bullying that occurs through any form of electronic communication, (Ed. Law §11[8]) including, but not limited to, cell phones, computers, and tablets, or

[19] Ref: Glossary of Terms for the School Safety and Educational Climate (SSEC) Reporting System

other communication tools, including social media sites, text messages, chat rooms, and websites.(See definition of harassment or bullying as defined in 5a. and Commissioner's regulation 100.2(kk)(1)(viii))

6. Bomb Threat: A telephoned, written or electronic message that a bomb, explosive, or chemical or biological weapon has been or will be placed on school property.

7. False Alarm: Causing a fire alarm or other disaster alarm to be activated knowing there is no danger, or through false reporting of a fire or disaster.

8. Threat of School Violence (Other than Bomb Threat or False Alarm): A verbal, telephoned, written or electronic message of a threat of violence on school property or at a school related function.
9. Use, Possession, or Sale of Drugs: Illegally using, possessing, or being under the influence of a controlled substance or marijuana, on school property or at a school function, including having such substance on a person in a locker, vehicle, or other personal space; selling or distributing a controlled substance or marijuana, on school property; finding a controlled substance or marijuana, on school property that is not in the possession of any person; provided that nothing herein shall be construed to apply to the lawful administration of a prescription drug on school property.

10. Use, Possession, or Sale of Alcohol: Illegally using, possessing, or being under the influence of alcohol on school property or at a school function. This includes possessing alcohol on a person, in a locker, a vehicle or other personal space; selling or distributing alcohol on school property or at a school function; and finding alcohol on school property that is not in the possession of any person.

APPENDIX G

Glossary

Academic Dishonesty: Providing, receiving or viewing answers to quiz or test items or independent assignments; having out or using books, notes or notebooks during a test without permission from a staff member.

Administrator: The building/program administrators (such as Principals, Vice-Principals, Assistant Principals, house administrators, program administrators, and athletic directors), District-wide administrators, the Director of Transportation and security supervisors.

Alcohol/Drugs/Controlled Substances: Any illegal, intoxicating, addictive, mood altering, or potentially harmful substance including, but not limited to, alcohol, cigarettes, e-cigarettes, tobacco, chewing tobacco, Zyns, nicotine, cigars, vapes, pipes, bongs, smoking bowls, edibles, inhalants, controlled substances, marijuana, cocaine/crack, LSD, PCP, "ecstasy," amphetamines, heroin, steroids, look-alikes, and any synthetic version thereof, whether specifically illegal or not. This definition includes substances commonly referred to as "designer drugs", which are substances designed and synthesized to mimic the intended effects and usages of illegal drugs. For purposes of this definition there is also included prescription and over-the-counter drugs when used inappropriately or, in the case of prescription medications, when possessed or used by anyone other than the individual for whom they have been prescribed by a licensed physician. Neither prescription medications nor over the counter medications may be possessed by elementary school students. Parents of elementary school students requiring such medication must personally deliver such medication to the school nurse, for administration to the student in the manner prescribed.

Attack on Student: A student or students set upon another student in a forceful, hostile or aggressive way without warning or provocation; this includes behavior commonly referred to as "banking."

Behavior Intervention Plan: A proactive plan designed by school staff to correct inappropriate or disruptive student behavior through positive behavioral interventions, strategies, and supports. This plan is appropriate for both students with and without disabilities.

Bodily Injury: Any physical or corporeal injury.

Bomb Threat: The making of threats or providing false information about the presence of explosive materials or devices on school property without cause in writing, in person or by phone, text or other electronic means.

Bullying/Cyberbullying: "Bullying/Cyberbullying: Intentional or reckless hostile behavior which harms another person physically or emotionally, and is characterized by an imbalance of power between students. If two students are equally engaged in an altercation, this is not a bullying situation, but instead considered a "conflict" between the two students. When an imbalance of power is present it can be seen in small ways over a long period of time or in a large way all at one time. Bullying includes verbal, physical, or written communication that is threatening or seriously intimidating. Cyberbullying includes the use of information and communication technologies (i.e., -e-

mail, cell phones, pagers, text messages, social media, video calls, gaming systems, instant message, personal website or blogs or a combination of these) to support deliberate, hostile behavior by an individual or group who intentionally or recklessly harm or intimidate others physically or psychologically.

Community Service: An unpaid service for the benefit of the public that is performed as part (or all) of the consequence for committing an infraction. Allows the student to participate in some sort of activity to serve and benefit the community. Examples include working at a soup kitchen, cleaning up litter, helping at a facility for the aged, etc.

Conference: A communication that takes place face to face, by telephone or virtually. Conferences can involve students, teachers, administrators, and parents/ guardians in discussion about student misbehavior and potential solutions that address social, academic, and personal issues related to the behavior.

Consequence: A result that follows from an action or condition.

Class Cutting: Unexcused absence from a class or school activity.

Detention: Detention may be imposed by teachers, building administrators, or the Superintendent when student misconduct does not warrant removal from the classroom or suspension. Detention may be served after school, during lunch, or at another designated time and will not result in the loss of instructional time.

Parents or guardians will be notified prior to the assignment of detention outside of school hours to confirm there is no objection and that appropriate transportation is available, if applicable. Detention will be served within one school day of issuance, except in cases of illness or other extenuating circumstances.

Detention will take precedence over extracurricular activities and athletic practices. Failure to attend assigned detention may result in additional disciplinary action, including restriction from school activities or in-school suspension. Detention interventions will be documented in the District's student information system.

Disciplinary Removal: means an in-school or out-of-school suspension, or any other removal (ex. asking a parent to pick a student up as a way of deescalating, sending a student to a "Help Zone" for an extended length of time) of a student from class during which the student:

1. is not afforded the opportunity to continue to appropriately participate in the general curriculum;
2. does not receive the services specified on the student's Individualized Education Program (IEP); or
3. does not continue to participate with nondisabled children to the extent they would have in their current placement.

District Staff: all individuals, wherever assigned, who are employed by the District, or are under contract or assignment to the District, or who volunteer to assist the District in the operation of its programs and/or the delivery of its services. The term "District staff" includes transportation staff whether employed by the District or by a contractor.

Disruptive Student: An elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.
Ref.: Education Law §3214(2-a)(b)

ELL: English language learner.

Emergency Situation: A circumstance in, or in close proximity to, a school or school event in which there is a serious, active and immediate threat of injury to a person or persons. An emergency usually requires an immediate

competently executed response to dissipate or remove the threat.

Employee: anyone directly employed by the Rochester City School District.

Fair: Impartial and just; without favoritism or discrimination.

Functional Behavior Assessment: Involves gathering information about a student's inappropriate, ~~or~~ disruptive, or unsafe behaviors in order to ~~and determining approaches school staff should take to correct or manage~~understand the ~~functional utility~~ function of the behavior, any patterns that predict the occurrence of the behavior, or responses that address the utility of that behavior in order to guide planning about approaches to reducing the occurrence of the ~~student's~~ behavior.

Gender Expression: The manner in which a person represents or expresses gender, often through behavior, clothing, hairstyle, activities, voice, or mannerisms.

Gender Identity: An individual's self-conception along a continuum of being male and female, as distinguished from biological gender or gender assigned at birth.

Harassment[20]:

1. **Disability Harassment**: A negative act or verbal expression toward an individual or group based on an individual's disabling mental or physical condition and includes any unwelcome conduct directed at the characteristics of an individual's disabling condition, such as imitating manner of speech or movement, or interference with necessary equipment.

2. **Ethnicity or National Origin Harassment**: A negative act or verbal expression toward an individual or group of the same race or national origin who share common or similar traits, languages, customs and traditions, based upon race, national origin, customs and traditions.

3. **Gender Expression or Gender identity Harassment**: A negative act or verbal expression toward an individual or group who share common forms of gender expression or gender identity, such as derogatory comments regarding transgender individuals, mannerisms, clothing or activities based on identifying along a continuum of being male and female.

4. **Marital Status**: A negative act or verbal expression toward an individual directed at the characteristics of an individual's marital status, such as derogatory comments regarding being single, divorced, or being a single parent.

5. **Racial Harassment:** A negative act or verbal expression toward an individual or group of persons who possess common physical characteristics (i.e., color of skin, eyes, hair and facial feature genetically transmitted by descent and heredity) that distinguish them as a distinct division of human kind, based on these physical characteristics.

6. **Religious Harassment**: A negative act or verbal expression toward an individual or group of persons, who possess common religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, based on religious beliefs.

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[20] Cross-Ref: District Policy Prohibiting Discrimination or Harassment of Students or Employees (0100); Student Harassment and Bullying Prevention and Intervention Policy (0115)

7. **Sex/Gender Harassment:** A negative act or verbal expression toward an individual's sex/gender, such as derogatory comments regarding pregnancy or individual's participation in a non-traditional job or activity.

8. **Sexual Harassment**: Unwelcome sexual advances, requests for sexual favors or other inappropriate verbal, written or physical conduct of a sexual nature, directed toward others.

9. **Sexual-Orientation Harassment**: A negative act or verbal expression toward an individual or group of persons based on their sexual attraction toward or responsiveness to members of the opposite or same sex.

LGBTQIA+: Lesbian, Gay, Bisexual, Transgender, Questioning/Queer, Intersex or Asexual.

Loss of Privileges: As a consequence of a violation of the Code of Conduct, a student can lose the right to participate in school events and activities, including participation in graduation and senior activities (if the behavior warrants this consequence, only monies paid as senior dues for the missed activity will be refunded).

Makeup Work: When students are removed from class because of inappropriate or disruptive behavior, school staff must provide students with missed assignments and the opportunity to make up these assignments without penalty. Students with Individualized Education Plans (IEPs) and 504 plans have additional protections that may require full IEP implementation, not just homework packets. School staff should refer to their Student Discipline Handbook and Special Education Compliance Manual for more information.

Mentoring Program: A student is paired with a mentor (a counselor, teacher, student, or community member) who helps the student in personal, academic, and social development.

Parent: Parent, guardian or person in parental relation to a student.

Parent Outreach: Parent outreach requires school staff to inform parents of their child's behavior and seek the parents' assistance with correcting inappropriate or disruptive behavior.

Peer Mediation: Peer mediation is a form of conflict resolution in which students help other students deal with, and develop solutions to conflicts. See Appendix B: Restorative Practices.

Possession of Alcohol, Drugs and/or Inhalants: Possession of alcohol, drugs and/or inhalants means to have physical possession or otherwise or exercise dominion or control over.

Pro-Social: Relating to or denoting behavior that is positive, helpful, and intended to promote social acceptance and friendship.

Referral to Substance Abuse Treatment Services: Students with behavior related to substance abuse, and/or when there is reason to believe substance abuse counseling is needed, may be referred to school-based or community-based services.

Referral to Community-Based Organizations: Students can be referred to community-based organizations for a variety of services, including after-school programming, individual or group counseling, leadership development, conflict resolution, and/or tutoring.

Referral to School-Based Health and Mental Health Clinics: These services provide counseling and assessments to students who are in need. Students are allowed to privately share issues or concerns that lead to inappropriate or disruptive behavior or negatively affect academic success.

Restitution: Replacing item(s) that were stolen or damaged by providing fair market value by way of compensation or service.

Restorative Approaches: See Appendix B: Restorative Approaches.

School Day: Any day of required pupil attendance, unless preceded by the word "calendar." "Day" means a school day.

School Function: Any school-sponsored event or activity, including but not limited to extra–curricular and athletic events, meetings, conferences, or hearings.
Ref.: Education Law §2801(1)

School Staff: all individuals, assigned to a school, who are employed by the District, or are under contract or assignment to the District, or who volunteer to assist the District in the operation of its programs and/or the delivery of its services.

School Property: In or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary, secondary, adult education or post-secondary school or any other property owned or leased by the District, or in or on a school bus, as defined in Vehicle and Traffic Law §142, or other transportation vehicle adopted by/for the District. Ref.: Education Law §2801(1)

Serious Bodily Injury: Bodily injury which involves a substantial risk of death, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

Sexual Activity: Inappropriate behavior of a sexual nature while on school grounds or during school-sponsored activities, including but not limited to indecent exposure, consensual sexual contact, sexual intercourse, oral sex or possession of sexually explicit material.

Sexual Assault or Offense: Unwanted sexual contact or sexual act or sexual contact by coercion, force or threat of force or harm, including inappropriate touching and/or an act that would constitute a crime under Article 130 of the Penal Law.

Sexual Orientation: The actual or perceived attraction or lack of attraction to specific genders, some examples include, but are not limited to, straight, lesbian, gay, asexual, bisexual, pansexual.

Tardiness: Arriving late to school or class.

Theft: Taking or attempting to take property of another person or institution without permission or knowledge of the owner, with the intent to deprive the owner of its use.

Trespassing: Being on school property without permission, including while suspended or expelled.

Violent Student[21]:
An elementary or secondary student under the age of 21 who:

1. Commits an act of violence, such as intentionally hitting, kicking, punching and/or scratching upon a school staff, or attempts to do so;
2. Commits, while on school property or at a school function, an act of violence, such as

[21] Ref.: Education Law §3214(2-a) (a)

intentionally hitting, kicking, punching and/or scratching, upon another student or any other person lawfully on school property or at the school function, or attempts to do so;

3. Possesses, while on school property or at a school function, a weapon;
4. Displays, while on school property or at a school function, what appears to be a weapon;
5. Threatens, while on school property or at a school function, to use a weapon;
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function; or
7. Knowingly and intentionally damages or destroys school District property

Weapon (including look-alike and ammunition)[22]: A firearm as defined in 18 USC §921 for purposes of the Gun-Free Schools Act, any other gun, BB gun, pellet gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, knife, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance (including chemical and biological substances) animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than two and one-half inches in length.

A weapon is, by way of illustration and without limitation, one of the following:

1. Firearm: A firearm as defined in 18 U.S.C. 921 of the federal code. Examples include handguns, rifles, shotguns and bombs. Refer to the federal code for the complete definition.

2. Other Guns/Weapons: Could cause bodily harm (i.e., loaded BB guns, pellet guns, knives, paint ball gun, silencer, or other weapon that could cause serious bodily harm or look like a gun).

3. Possession of Objects: Can resemble a gun or weapon but are unlikely to cause bodily harm (i.e., water guns, toy guns, unloaded or inoperable pellet guns.

4. Weapon used to cause bodily harm or injury: Use of a weapon to injury any person on school property or while involved in a school-sponsored activity.

[22] Ref.: Gun-Free Schools Act, 18 USC §§3351, 8921, 8922, 921
Education Law §3214(3) (d)
8 NYCRR 100.2(gg)